

United States Environmental Protection Agency Region 1 – New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912

Certified Mail Returned Receipt Required

NOV 0 4 2015

Sean McKenna, CEO Great Bay Marine Inc. 61 Beane Lane Newington, NH 03801

Re:

Request for Information Pursuant to Section 308 of the Clean

Water Act (33 U.S.C. § 1318), Docket No. CWA-308-R01-FY16-01

Dear Mr. McKenna:

On October 2, 2015, the U.S. Environmental Protection Agency, Region I (the "Region") conducted an inspection at Great Bay Marine Inc. ("Great Bay") site located in Newington, NH (the "Facility").

Section 308(a) of the Federal Clean Water Act (the "Act"), 33 U.S.C. 1318(a), authorizes the Environmental Protection Agency ("EPA") to require any owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act. Great Bay is hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. 1318(a) to respond to this Request for Information (the "Request") within 30 calendar days of receipt of this letter. Please read the instructions in Attachment A carefully before preparing your response and answer each question in Attachment B as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Attachment C, is attached to this letter.

As you requested during the inspection, the inspection report and associated photo album are provided in Attachment D and D-1 respectively.

Information submitted pursuant to this Request shall be sent by certified mail, and shall be addressed as follows:

United States Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Alex Rosenberg, OES04-4

Compliance with this Request is mandatory. Failure to respond fully and truthfully or to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement action. The Information Sheet contains information regarding their rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. EPA routinely provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business. Administration. Please be aware that availing yourself of this opportunity does not relieve your facility of its responsibility to comply with applicable federal and state laws and regulations.

Great Bay may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to Great Bay Marine Inc.

If you have questions regarding this Request, please contact Alex Rosenberg of my staff at 617-918-1709, or have your attorney contact Jeffrey Kopf at 617-918-1796.

Sincerely,

James Chow, Manager

Technical Enforcement Office

Office of Environmental Stewardship

Enclosures

cc: Jeffrey Kopf, EPA (electronically)

Alex Rosenberg, EPA (electronically)

Tracy Wood, NHDES (electronically)



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888 The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance This page is a gateway industry and statute-specific environmental resources, from extensive webbased information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing www.fpeac.org

Healthcare

www.hercenter.org

Local Government www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epahotlines EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/ infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa. gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Small Business Resources

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline tsca-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

http://www.epa.gov/sbrefa/compliance-guides.html EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

http://www.epa.gov/sbo/rsbl.htm

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy
The Policy provides incentives to all businesses that
voluntarily discover, promptly disclose and expeditiously
correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

Attachment A

Information Request

- Please provide a separate narrative response to each and every question and subpart of a
 question set forth in this Request. Precede each answer with the text and the number of the
 question and the subpart to which the answer corresponds.
- 2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
- 3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
- 4. If information or documents not known or not available to you as of the date of the submission of the response to this Request for information should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA of this finding as soon as possible and provide a corrected response.

Attachment B

Respond to the Following Questions

1. General Business and Ownership Information Questions:

- a. Specify the full legal name(s) with exact spelling, the business mailing address, and telephone number, and address of Great Bay Marine Inc. ("GBM"). If incorporated, specify the state of incorporation and the principal place of business. If a partnership, provide the names and addresses of all the partners. If GBM has a parent company, list the parent name and address.
- b. Provide a list of all GBM facilities with addresses throughout New Hampshire, Vermont, Maine, Massachusetts, Connecticut and Rhode Island ("New England"). Provide an address list of all facilities in New England that are owned or operated by a subsidiary of GBM, and names under which each facility does business.
- c. Specify the entity or entities that own or have owned each of the GBM facilities located throughout New England from October 1st, 2010 to the present. If any transfer of ownership has occurred, specify the owner(s) prior to and following the transfer, and the date of transfer.
- d. Provide a flow chart/diagram that illustrates the corporate and management structure of GBM, its parent company, and its subsidiaries. Identify who has responsibility for environmental compliance within each organization.
- e. The date the Facility first began operation and, if different, the date the current owner took over ownership of the Facility. If the Facility is operated by an entity other than the owner, also include the date the current operator took over operation of the Facility.

2. Facility Specific Questions for GBM's facility at 61 Beane Lane, Newington, New Hampshire (the "Facility"):

General Industrial Stormwater Questions:

a. Describe and list all industrial activities¹ that have taken place from October 1,

¹ For the purpose of this letter, an "industrial activity" includes, but is not limited to pressure washing, bottom washing, abrasive blasting, grinding, sanding, scraping, outdoor manufacturing or processing activities (e.g., welding, metal fabricating, repairs and maintenance), painting, dry-dock cleaning, solvent mixing, loading or unloading, locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas

2010 to the present; include the period of time and dates during which the activities occurred.

- (1) State which industrial activities are exposed to precipitation. If the activity is not exposed to precipitation, describe the measure which prevents the activity from either being exposed or having process water discharge pollutants from the industrial activity into water of the U.S., i.e., roof assemblies, tarpaulin, fixed or portable structure, in-door drainage systems, covered railways, etc.
- (2) For industrial activities conducted outside, describe all specific source control measures, best management practices ("BMPs") and/or structural controls that were or are currently being used to minimize the activity's exposure to precipitation which might result in stormwater runoff to a receiving water.
- b. If there have been any modifications to the Facility's industrial activities that interact in any way with stormwater, stormwater source control measures, best management practices and/or structural stormwater pollution prevention controls from October 1, 2010, to the present, describe the conditions prior to each change, the nature of each change, and the date when each change was implemented. Also, specify the reason why the change was made.
- c. In detail, list and describe each stormwater discharge to surface water or wetlands, and its ultimate discharge location. Provide an estimate or, if available, an actual volumetric flow rate (in gallons per month) from each discharge, and the minimum rain storm intensity event(s) that will produce a stormwater discharge. Include runoff from the sand-blasting area in the response to this question as well as previous questions concerning best management practices.
- d. For each of the Facility's stormwater discharges to surface waters or wetlands, state the name of the receiving surface waters or wetlands. If unknown, identify the unnamed surface waters, and the nearest named surface water or wetland to which the unnamed water flows. If stormwater is not discharged directly to surface waters or wetlands (i.e., collected in a detention basin, swales, catch basins, or garage bays), describe the pathway of the stormwater flow including the immediate and ultimate destinations and the means of conveyance. If the discharge of stormwater has changed since October 11, 2010, provide a description of the changes and include the period of time and dates when the discharge changed. In particular, be sure to include in the response to this question the identification of flow path and determination of discharge location for the swale behind the Waste Oil shed (Building #8), the discharge point from

⁽e.g., paint, solvents, resins), material storage areas (e.g., blasting media, aluminum, steel, scrap iron), vehicle and equipment repair/servicing, washing, cleaning and maintenance, and, fuel-oil loading and unloading, etc.

the pond into which stormwater outfall DSN-04 discharges (behind the Spray Paint Building), the catchbasins within the Boat Storage Area Pit, the catchbasins within Russel Park Boat Storage Area, the catchbasins in the parking area just west of the boat ramps, and the flow path and discharge location of the Service Garage Sump, Storm Drain A (as labeled in the Facility Inspection Report and photo album attached as Attachment D) and any roof-drain conveyances.

- e. Specify the primary and secondary standard industrial classification (SIC) codes for the facility between October 1, 2010 and the present and an estimated year when each of these industrial activities began.
- f. For the period from October 1, 2010 to the present, provide the average number of boats washed, boats sanded and re-surfaced, and boats stored respectively per month.
- g. Provide the daily operating hours, number of days the facility conducts industrial activities per week, and the number of employees at the Facility on a yearly basis, showing the high and low season separately.
- h. Provide a copy of each individual application and each signed and dated Notice of Intent ("NOI") form, and all related correspondence, used to obtain stormwater permit coverage under EPA's September 29, 2008, and June 4, 2015, Multi-Sector General Permits for Stormwater Discharges from Industrial Activities, ("2008 MSGP" and "2015 MSGP" respectively).
- i. Provide a copy of the original and subsequent permit or permit authorization notice and the permit number(s) and dates of coverage.
- j. State the date when the Facility's first Stormwater Pollution Prevention Plan ("SWPPP") was prepared and the date(s) of any subsequent revisions. Submit the past two final and draft SWPPPs.
- k. Provide a detailed site diagram that meets the conditions set forth in Section 5.2.2 of the 2015 NPDES MSGP. The diagram shall clearly illustrate and label:
 - (1) Approximate drainage boundaries including directions of stormwater flow and outfall locations (use arrows to show flow path);
 - (2) Means by which stormwater flows off the site, i.e., pumped or gravity;
 - (3) Boundary of impervious surfaces;

- (4) Drainage diversion and control structures (i.e., detention basins, sumps, garage drains and catch basins, outfall structures and drainage swales, etc.) in place to reduce pollutants discharged off the site;
- (5) Location of all existing structural BMPs to reduce pollutants in stormwater runoff;
- (6) Location of surface waters including wetlands and streams;
- (7) Identify areas where the following may be exposed to precipitation and/or stormwater runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; grinding, blasting; welding; metal fabrication; loading or unloading areas; locations used for the welding; metal fabrication; loading or unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and, material storage areas (e.g., blasting media, aluminum, steel, scrap iron); and
- (8) Industrial activities which generate process wastewaters and ultimate discharge locations of each respective activity.
- 1. Provide the following documents and information in chronological order for the period from October 1, 2010 to the present:
 - (1) Routine Facility Inspections conducted under Section 4.1 in the 2008 Permit and Section 3.1 of the 2015 Permit. If inspections have not been conducted and documented, explain why they were not conducted;
 - (2) Annual Comprehensive Site Inspections conducted under Section 4.3 in the 2008Permit. If inspections have not been conducted and documented, explain why they were not conducted or documented;
 - (3) Quarterly Visual Monitoring Inspections conducted under Part 4.2 in the 2008 Permit and Section 3.2.1. of the 2015 Permit. If inspections have not been conducted and documented, explain why they were not conducted or documented;
 - (4) Effluent stormwater and/or process water analytical monitoring results and applicable Chain-of-Custody forms. For each result, indicate on the diagram the specific location where the sample result was obtained. Note that because one of the Facility's benchmark parameters is hardness dependent, the Facility must submit to EPA a background receiving water hardness if it has not already done so with its 2015 NOI (Section 6.2.1.1 of the 2015 Permit).

m. For the period from October 1, 2010 to the present provide the name and credentials for all personnel who have been designated by Great Bay Marine Inc. as being qualified to oversee Great Bay Marine's SWPPs and conduct stormwater related inspections. Provide employee training records as required under Section 2.1.2.9. in the 2008 Permit and Section 2.1.2.8 in the 2015 Permit. If individuals identified are not qualified and/or have not been trained to oversee the Great Bay Marine's SWPPP and/or conduct stormwater related inspections, explain the reasons for these deficiencies.

General Industrial Process Wastewater Questions:

- n. Identify all unit operations² that generate process or sanitary wastewater:
 - (1) For each identified unit operation that generates process wastewater, provide the ultimate discharge point, and an estimated or actual daily maximum and monthly average flow rate (in gallons) for each discharge. In addition, explain the hydrological path of flow from each process wastewater operation(s) from October 1, 2010, to the present;
 - (2) For each garage bay, building, and tent (i.e. Spray Paint Building, Waste Oil Shed, Steel Storage Building, Service Garage) provide the following information:
 - (i) A description of the operations that take place within each structure;
 - (ii) The type of drainage and the ultimate discharge point of that drainage;
 - (iii) For structures that do not discharge to the septic system, state
 Great Bay Marine's standard protocols for disposing of process
 water collected in either floor sumps and drains, engine
 maintenance test tanks, bottom-wash recycling systems or within
 the potable sewage pump-out device;
 - a) Describe how often each collection device and drain is emptied and or cleaned;

² For the purpose of this letter, an "operation" is an industrial process such as, but not limited to, equipment cleaning and rinsing, blasting and painting, pressure washing, engine maintenance and repair, fueling, paint and solvent mixing, and disposal of process/bilge water streams from vessels and/or building and floor washing, floor drains, etc.

- Describe the average volume of process water that is collected before the device and drain is emptied and or cleaned;
- Describe the location on the property where the process water is pumped or directed to (e.g. into tank which is hauled away by contractor, etc.);
- d) Describe the usual viscosity of the process water discharge; and
- e) Provide documentation of discharged process water or septage from any collection device or drain including flow volume, pump records and dates.
- (3) Provide a copy of any and all permits issued to GBM for process wastewater discharges, and all analytical monitoring results of discharged process wastewaters in chronological order for the period from October 1, 2010 to the present;
- (4) Describe all pretreatment pollution control equipment (i.e., settling tanks, catch basins, and sedimentation or filtering media) along the wastewater flow path from each unit operation's source to its ultimate discharge location;
- (5) State the general practice or standard operating procedure for the use of the boat bottom washing area from October 1, 2010 until the implementation date of the temporary wash-water collection system (photo of system was submitted to EPA by GBM on October 5, 2015);
 - Describe what efforts were made, if any, to ensure that paint chips and sediments were not discharged through stormwater outfall DSN-07;
 - (ii) State all methods used to clean the pavement and flow-path towards outfall DSN-07 and the outfall itself;
 - (iii) State the frequency at which the cleaning was conducted;
 - (iv) State an approximate number of days between October 1, 2010 and October 5, 2015 that GBM permitted any amount of bottom-wash water to escape through stormwater outfall DSN-07 or to surface waters via any other flow-path.

- (v) Explain the reason why GBM never implemented a bottom-wash water capture system during the 2008 Permit;
- (vi) Submit all past correspondence between GBM and any outside agency or contractor (i.e. New Hampshire Department of Environmental Services) regarding the design and or, implementation of a bottom-wash collection system; and
- (vii) Identify the location and water body where boat bottom wash water was ultimately discharged prior to installation of the wash pad in October 2015.
- (6) Describe any modification to the Facility's bottom washing process wastewater flow management since October 1, 2010 including the recent wash-pad construction. Include dates of implementation and costs associated with each change (i.e. costs of design, construction and implementation);
- (7) Explain in detail all locations where there may continue to be a potential for process wastewater to discharge from the Facility to surface waters.

3. Other Question(s):

a. Describe when the connecting underground pipe between the Service Garage Sump and Storm Drain A behind the service garage became inoperable and why. Explain the standard operating procedures for disposal of water that is collected by the sump and any changes to the protocol between October 1, 2010 and the present (include the date of any changes).

4. SPCC Questions

- a. Provide a statement detailing the actions taken by your Facility to correct the
 deficiencies related to your facility's compliance with the Oil Pollution
 Prevention regulations (40 C.F.R. Part 112) communicated during the inspection
 on October 2, 2015;
- b. Submit a copy of the facility's SPCC Plan. If completion of an SPCC Plan is not feasible within 30 calendar days, submit a detailed schedule of when it will be completed and fully implemented. The schedule should include the name, address, license number, and state of licensure of the registered professional engineer certifying the SPCC Plan, if necessary. If the SPCC Plan calls for the construction of secondary containment at the Facility, the schedule should include

construction milestone dates.

- c. If you have determined that your Facility is no longer subject to the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, and is therefore not required to have an SPCC Plan, provide an explanation supporting such determination, including appropriate documentation.
- d. Provide a list of all the oil storage capacity at the Facility, both underground and aboveground (including, tanks, drums, transformers, oil-filled systems, etc.) and the type of oil stored in each container. Indicate each container's age and method of construction (e.g., single or double wall, welded or riveted, steel or fiberglass). Also indicate whether any secondary containment is provided around each container, and, if so, its method of construction (earth berm, steel wall, concrete block wall, poured concrete wall) and the total volume it can contain. Under 40 C.F.R. § 112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.
 - (1) Indicate as part of this response who owns the transformers observed during the October 2, 2015 inspection (inspection Photo Album slides 49, 50).
- e. Provide the date the Facility first started having the capacity to store oil above the SPCC regulatory thresholds set forth in 40 C.F.R. § 112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of the Facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of the Facility is greater than 1,320 gallons). Describe any periods between January 5, 2004 and October 2, 2015 at which point the Facility was below the regulatory threshold and provide documentation to substantiate these claims.
- f. For each additional facility listed in response to question 1.b above, please provide the following information:
 - (2) Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at each facility.
 - (3) Explain whether each additional facility is subject to the Oil Pollution Prevention regulations (40 C.F.R. Part 112).
 - (4) For those facilities that are subject to the Oil Pollution Prevention regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and

- (5) For facilities that are required to have an SPCC Plan but either do not have one or are not fully implementing their SPCC Plan, provide a time frame for when each facility is expected to be in compliance with the Oil Pollution Prevention Regulations.
- g. If the Facility is developing an SPCC Plan after the October 2, 2015 inspection, please also include the following information:
 - (1) The cost of preparing the SPCC Plan;
 - (2) The cost of implementing the SPCC Plan (including the cost of constructing additional secondary containment at the Facility); and
 - (3) The ongoing annual costs of implementing the SPCC Plan (including training, inspections and record keeping).

End of Questions

Attachment C

Statement of Certification

I declare under penalty of perjury that I am authorized to respond on behalf of the Great Bay Marine Inc. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

| Ву | |
|----------------|--|
| (Signature) | |
| | |
| (Printed Name) | |
| (Title) | |
| (Date) | |

ž. ¥



United States Environmental Protection Agency Region I - EPA New England 5 Post Office Square Boston, MA 02109-3912

Drafted Date:

10/01/15

Finalized Date:

10/20/15 Rev A

Subj:

Inspection Report - MSGP

Great Bay Marine Inc.

From:

Alex Rosenberg

Thru:

Denny Dart

To:

File

I. Facility Information

A. Facility Name:

Great Bay Marine Inc.

B. Facility Location:

61 Beane Lane,

Newington, NH 03801

C. Facility Contacts:

Mr Sean M. McKenna

sean@greatbaymarine.com

D. NPDES ID Number:

NHR05BQ23 (Sector R (SIC 3732) & Sector Q (SIC 4493))

II. Background Information

A. Date and time of inspection:

Facility entrance:

October 2, 2015, 900 AM

Facility exit:

October 2, 2015, 1:00 PM

B. Weather Conditions:

Cloudy, ~ 55 deg F. Heavy Rain in prior 48 hrs (hurricane Joaquin)

C. US EPA Representative(s):

Alex Rosenberg, Joseph Canzano

D. State/Local Representative(s):

none

E. Federally Enforceable Requirements Covered During the Inspection:

NDPES MSGP Permit, SPCC Regulations.

III Type and Purpose of Inspection

Inspection by Environmental Protection Agency ("EPA") inspectors was a compliance evaluation inspection to evaluate compliance with the facility's National Pollutant Discharge Elimination Service ("NPDES") multi-sector general permit ("MSGP") for stormwater associated with industrial activities as well as coverage and compliance with SPCC Oil regulations. The Maine Department of Environmental

Protection received a tip about the Facility discharging boat bottom wash water into the Ocean and forwarded the tip to EPA.

IV. Facility Description

Great Bay Marine Inc., referred to here after as the "Facility" or "GBM" is a marina and boat storage and repair yard. According to C.E.O. Sean McKenna who accompanied the EPA Inspectors throughout the entirety of the inspection, and to whom the inspectors both presented their credentials during the inbriefing, the Facility is owned by the Griffin family who owns other companies that are in the construction business. Some facts about GBM's business and operations at the Facility are as follows:

- Approximately 15 employees work at the Facility;
- Marina has 128 boat slips, 72 moorings, a store;
- Open all year, only 10 employees in winter months;
- Has a public fuel station on the dock; and
- Conducts general boat maintenance and repair.

Permit requires that operators of industrial activities that were authorized for coverage under the 2008 Multi-sector General Permit ("MSGP") for stormwater associated with industrial activities ("2008 Permit" – as modified effective May 27, 2009) to apply to EPA no later than Sept 2, 2015 for coverage under the recently re-issued June 4, 2015 national MSGP ("2015 Permit").

Inspectors were able to discover that according to the national MSGP NOI database, the Facility submitted a complete NOI On May 20, 2009 for which permit coverage began on July 19, 2009. As of October 1, 2015, EPA headquarters confirmed that the Facility's NeT NOI application was received via CDX for coverage under the 2015 Permit.

V. Inspection Findings

Permit Coverage

Both the 2008 and 2015 Permits requires a facility that discharges from an industrial activity in an area identified in Appendix C to comply with the sector-specific requirements associated with the Facility's primary industrial activity and any co-located industrial activities as defined in Appendix A.

The Facility's 2009 NOI identified Sector R, sub-sector 1 (standard industrial classification code ("SIC" code 3732) as the only applicable area of industrial activity. Appendix D of the 2008 Permit and Appendix N of the 2015 Permit identifies the SIC code 3732 as applicable to Sector R (Ship and Boat Building and Repair Yards). The Facility's 2015 NOI (dated August 31, 2015 according to the national ICIS database), in addition to listing the Facility's primary SIC code as 3732, also indicates that the Facility operates a co-located industrial activity with the SIC code 4493 (marina). This secondary SIC code makes the Facility applicable to MSGP Sector Q (Water Transportation) requirements.

According to Sean McKenna, Facility CEO and environmental manager (who began his employment on September 2, 2015) and Facility owner and prior environmental manager Ellen Griffin Saas, the Facility has been conducting business as both a marina and a boat repair facility for many decades.

Sector Q includes requirements for numeric benchmark monitoring that are not included in Sector R. According to Sean McKenna the Facility, to-date, has not conducted numeric benchmark monitoring.

They are prepared however to begin this monitoring beginning in the last quarter of 2015 (first quarter under the 2015 Permit). Inspectors explained that sector-specific requirements for Sector Q (Marina) should have been implemented throughout the 2008 Permit cycle.

Good Housekeeping:

Section 2.1.2.2 of both the 2008 and 2015 Permits state that the permittee must keep clean all exposed areas that are potential sources of pollutants (i.e. sweep or vacuum at regular intervals, wash down the area and collect and/or treat, and properly dispose of the washdown water, and keep all dumpster lids closed). For dumpsters and roll-offs that do not have lids, ensure that discharges have a control.

Inspectors observed a roll-off uncovered and filled past its upper edge beside the private boat owner shed (slide 48 – slides reference the numbered pages of the attached Photo Album). No pollution controls were observed.

Inspectors observed scrap metal storage and miscellaneous waste located outside behind the existing storage facility building in the boat storage area pit (slide 66). Runoff from the waste storage area flows into Storm Drain E (slide 67). The site diagram does not indicate where Storm Drain E discharges.

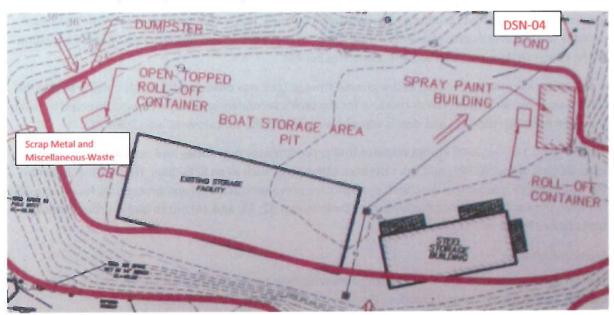


Figure 1 2008 SWPPP Site Map Boat Storage Area Pit

Control Measures

The 2008 and 2015 Permits require that the permittee assess the type and quantity of pollutants, including their potential to impact receiving water quality while designing control measures (Section 2.1.1 2008 and 2015 Permits) and then maintain implemented control measures (Sections 2.1.2.3 2008 and 2015 Permits).

Inspectors observed a water supply-line and hose located within the Spray Paint Building (slide 60). A floor drain is located in the middle of this building beneath the area where boat maintenance and painting is completed (slides 57, 59). Sean McKenna was not aware of where the floor drain discharges to and neither of the Facility's SWPPPs (dated 2008 and 2015) mentioned this drainage structure.

Stormwater outfall DSN-04 is located approximately 30 feet to the North of the Spray Paint Building. An exhaust fan is located on the northern wall of the Spray Paint Building (slide 64).

Inspectors observed a floor drain in the Steel Storage Building (slide 71, 72). A spill of what was thought to be glycol was observed on the floor beside the drain and within the drain (slide 72). Sean McKenna was unaware of exactly where the floor drain discharges however it was assumed by both himself and inspectors to discharge into the stormwater catchbasin conveyance system located just to the northwest of the Steel Storage Building (see Figure 1 above).

Spill Control

The Permits require that the permittee must minimize potential for leaks, spills and other releases (plainly labeling containers, secondary containment measures, procedures for detecting and containing spills)(Section 2.1.2.4 2008 Permit; Section 2.2.1.4 2015 Permit).

Inspectors observed unlabeled oil and waste oil containers (slides 39, 42, 43). Inspectors recommended that the Facility staff become familiar with New Hampshire state requirements for labeling of used oil containers.

Inspectors observed that building #8, the Waste Oil building, had a non-weatherproof roof. Spill clean-up litter was observed across the entire inside floor of the building and therefore no visual observation of the concrete floor was able to be made (slides 38, 40).

A portable, skid-mounted, diesel above ground storage tank was observed (slide 44) outside beside the private boat-owner's shed. The drain valve for the tank's secondary containment was observed to be in the open position (slide 45) and debris was observed inside the containment area (slide 46).

Section 5.1.5.1 of the 2008 Permit requires that procedures for preventing and responding to spills and leaks be part of the SWPPP, and can reference other plans such as an SPCC plan. Neither the 2008 nor the 2015 SWPPP adequately described the pollution prevention controls and procedures for oil transfers to either the Facility's below ground storage tanks (slides 32, 33, and 34) nor to above ground storage tanks (slides 38, 39 40, 43, 44-47).

Erosion Control

The Permits require that the permittee must minimize the transport of sediments off-site through erosion and sediment control practices (Section 2.1.2.5. 2008 and 2015 Permits).

Inspectors observed no erosion and sediment control practices installed at outfalls DSN-05 (slide 28), DSN-07 (slide 16), DSN-06 (slide 22) and what was thought to be DSN-03 (slide 30). Inspectors suggested a vegetative buffer to prevent sediment transport via low spots in the parking area's berms (DSN-07, DSN-06, DSN-05).

Non-stormwater Runoff

Section 2.1.2.10 of the 2008 Permit states that the permittee must eliminate non-stormwater discharges not authorized by an NPDES permit. Section 2.1.2.9 of the 2015 permit states that the permittee must evaluate for non-stormwater discharge including wash water. Additionally the Permits require the permittee to minimize exposure of stormwater to pollutants by ensuring that all wash-water drain to a proper collection system (i.e. not the stormwater drainage system) (Section 2.1.2.1 2008 and 2015

Permits). Sector R – Ship Repair and Boat Building, as well as Sector Q – Marinas, specifically prohibit the discharge of bottom-wash water by explaining that to discharge this type of process water a separate NPDES permit is required (Sections 8.Q.3.1.1 and 8.R.3.1.1 in both the 2008 and 2015 Permits).

During the inspection wash water containing a green boat bottom-paint was observed discharging from the boat bottom wash area into the Ocean through stormwater outfall DSN-07 (slides 11, 13-18). Sean McKenna attested to the fact that their normal operating procedures for boat bottom washing was to have the wash water discharge through stormwater outfall DSN-07. The Facility's 2008 SWPPP stated that in order to control bottom-wash water discharge the Facility was *planning to* design and install a bottom-wash capture and recycling system. Sean McKenna stated that when he began working at the Facility one year ago, he immediately requested the funds to implement this control measure, and was granted the funds (\$70,000) without opposition from the ownership. When the former SWPPP manager and Facility co-owner Ellen Saas was asked why the Facility had not yet implemented a bottom-wash control measure her answer was that they had been waiting for NHDES to assist them with design approval.

A new bottom-wash capture pad and recycling system was being constructed the day of the inspection (slides 12, 69-71). Sean McKenna stated that the recycling system was ready for use and that the pad would be completed the following week. Inspectors stated that the Facility should construct a temporary control method to capture bottom-wash water from the remaining vessels that were planned to be cleaned before the pad was complete. After the inspection, the Facility sent a photograph (shown below following Figure 2) of their temporary control and collection system that was able to be utilized with their new water recycling trailer-mounted system.

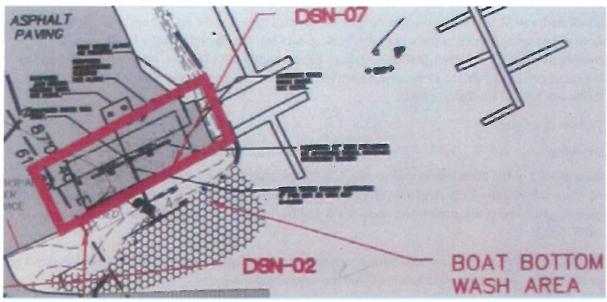


Figure 2: 2008 Site Map of Bottom Wash Area



Figure 3: Temporary Wash Capture System; photo documentation sent to EPA on 10/5/15

Records for routine facility inspections, quarterly visual monitoring as well as annual comprehensive inspections were reviewed briefly. Records were present in the 2008 SWPPP, but had not yet been started for the 2015 SWPPP. No numeric benchmark monitoring had yet been conducted by the Facility, but they had the necessary coolers, bottles and associated chain-of-custody reports ready for their first benchmark sampling event in the first quarter of the 2015 Permit cycle. Inspectors asked why there were not as many bottles as there are outfalls. Sean McKenna explained that the Facility and its consultant consider a number of their outfalls to be representative of others. Inspectors explained that the Facility must explain the rationale for each identical outfall determinations within their SWPPP (Section 5.2.5.3 of the 2015 Permit).

SWPPP Contents:

Site Map

Section 5.1.2 of the 2008 Permit and Section 5.2.2 of the 2015 Permit require that the SWPPP include a site map showing the location of all stormwater conveyances, potential pollution sources, stormwater control measures, stormwater inlets and outfalls and the location of fueling stations, liquid storage tanks, (etc.).

The Facility's SWPPP from the 2008 Permit included a site map with a majority of the elements required by the permit. However, inspectors observed the following deficiencies.

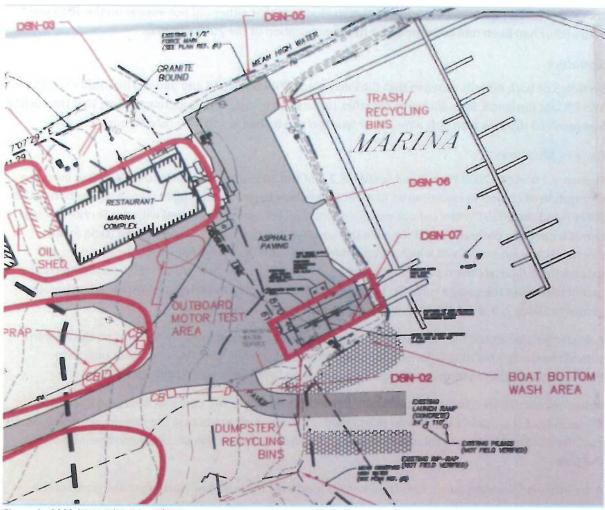


Figure 4 - 2008 SWPPP Site Map Clipping

The 2008 SWPPP map did not show the interconnectivity of the three catchbasins that are located in front of the Marina Complex building and are shown on the map clipping in Figure 4. Employees were uncertain as to the final discharge location from the two catchbasins (slide 10 and Figure 4 above). The southern-most catchbasin is shown on the 2008 SWPPP site map to discharge to stormwater outfall DSN-02

Neither the 2008 nor the 2015 SWPPP site maps included the sump that is located approximately 10 feet from the Service Garage entrance within the Marina Complex building (slides: 5, 6, 7 - "Service Garage Sump") and according to the owner Ellen Saas was originally connected via underground piping that crossed beneath the service garage floor to the stormwater catchbasin (slide 37 – "Stormwater Drain A") that is located behind (north of) the Marina Complex building. Ellen stated that the underground conveyance pipe beneath the service garage has been filled in and has therefore been inoperable for many years.

The site map in the 2015 SWPPP was highly deficient, and did not include many elements that had been previously included on the 2008 site map including stormwater catch basins, liquid storage tanks, areas where industrial activities occur and stormwater pollution control measures. The location of roll-off

containers and dumpsters were additional map elements that either did not appear on the 2015 site map and or had been moved subsequent to the publication of the 2008 site map.

Signature

Section 5 of both Permits requires that the Facility's SWPPP be signed and dated. The Facility's 2015 SWPPP was unsigned. Sean Mckenna said that this was an oversight considering the fact that the Facility had received the new plan only a month or two ago and he had yet to fully read through the plan.

Control Measures

Section 5.1.4 of the 2008 Permit and Section 5.2.4 of the 2015 Permit requires the SWPPP to include a description of control measures used to meet technology based water quality standards. Both the 2008 SWPPP and the 2015 SWPPP did not explain the control measures associated with the Service Garage Sump. Inspectors observed an oil sheen in the water within the Service Garage Sump (slide 6). An electrical cable was observed which extended from beneath the water-line inside the sump, to an extension cord (attachment point outside) that was plugged into a non-ground fault circuit interrupter receptacle inside the garage (slide 8). The Garage Sump collects run-on from industrial activity areas shown in Slides 7, 9 and 10, including the oil shed and boat storage areas.

A discharge pipe exited the Service Garage Sump and was observed to be routed around the western side of the Garage Building before discharging into Storm Drain A. Sean McKenna was unable to definitely state where Storm Drain A discharges to (one hypothesis was outfall DSN-03).

Between outfall DSN-03 and outfall DSN-05 (Slide 28, 29) a white pvc pipe was observed discharging in the vicinity of the ocean's high-water mark (slide 30). Inspectors guess that the pipe is used to discharge roof drains from the restaurant and shop (slide 31). Sean McKenna was unsure about the influents to the pipe.

A well-defined drainage swale runs from behind (north of) the waste oil building to the north of the underground storage tank pad (slide 33). The swale was observed to discharge into an area of sparse woods approximately 30 feet from the ocean's high-water mark. Sean McKenna stated that he had never considered this an outfall before and had therefore never attempted to determine if the swale has a discreet conveyance path to the ocean. Inspectors requested that the Facility make a clear determination as to whether this is indeed a stormwater outfall as defined by the Permits.

Engine Maintenance

Section 8.R.3.1.4 of both Permits requires that engine maintenance and repair areas are managed to minimize the contamination of precipitation or surface runoff.

The Service Garage has a dedicated indoor engine testing tank (slide 3). According to Sean McKenna the water from the tank is filtered and recycled back to the tank until it is too dirty and must be trucked offsite by a waste disposal hauler.

SPCC

The facility had an outdated SPCC plan which had professional engineering certifications from December 24, 2003 and January 5, 2004. For at least the past five years the Facility had been under the assumption that they were not applicable to the oil pollution prevention regulations at 40 Code of Federal Register

Part 112. Inspectors calculated that the Facility currently has an aggregate total capacity of above ground oil-storage containers of 1,753 gallons, thereby making the Facility applicable to the oil pollution prevention regulations.

Out-Briefing

Inspectors met with CEO, Sean McKenna and Owner, Ellen Saas for an out-briefing. Inspectors communicated recommendations and observations made during the inspection that included the following list of items:

- Sewerage tank (slide 23) label it and review the piping joints to ensure no spill if a joint were to fail;
- Label stormwater outfalls to assist with employee awareness and identification of flow-paths for emergency responders;
- Have a spill-kit near the travel-lift;
- Need for interim bottom-washing BMPs before pad is completed;
- Identify where roof-drains discharge;
- Move stormwater outfall DSN-05 to a more appropriate location on SWPPP Site map;
- Within plans note that the under-ground storage tank contains two separate fuel types;
- Place the "Storm Drain A" on the SWPPP site map (not on either 2008 or 2015);
- Have plans describe protocols for oil transferring
 - 500 gallon tank (fill beside Storm Drain A);
 - Vegetable oil from restaurant;
 - Skid tank; and
 - o Under-ground tanks, etc.
- Oil Shed (Building #8): clean floor, check roof tightness, label drums;
 - o Ensure ground wires are appropriately used
 - Place caution sign;
- Check the state of NH requirements for hazardous waste labeling of used oil;
- Clean the oil out of the Service Garage sump before discharging;
 - Describe fully the control measures and protocols for discharging from the sump;
- Determine the connectivity of the three catchbasins in the front driveway area;
- Update map to include new position of dumpsters and roll-offs;
- Re-route and protect fuel line from the Spray Paint Building tank;
 - Lock tank itself;
- Identify where the drain in the Spray Paint Building goes;
- Create a protocol for cleaning and utility of the floor drain within the Steel Storage Building;
- Identify who owns the transformers;
- Use a storage container in the Spray Paint Building that is appropriately designed for flammables;
- Sign SWPPP;
- Determine the connectivity and ultimate discharge location of stormwater infrastructure in the western most boat storage yard (Russell Park) (slides 75-77);
 - Place infrastructure and connectivity (flow directions) on SWPPP Site maps.
- Reply to Region 1 SPCC Facility Inspection and Information form within 30 days of inspection

Form was filled out and signed by Joseph Canzano during the out-briefing and was then
presented to Sean McKenna who signed on behalf of the Facility. A copy was left with
the Facility.

Sean McKenna requested a copy of the inspection report be sent to the Facility.

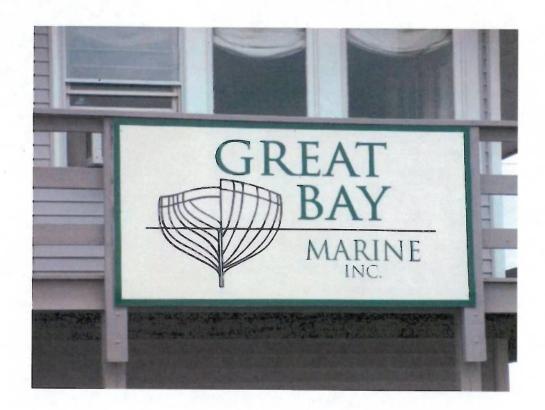


Attachment D-1: Photo Album

EPA Clean Water Act Inspection 10/2/15

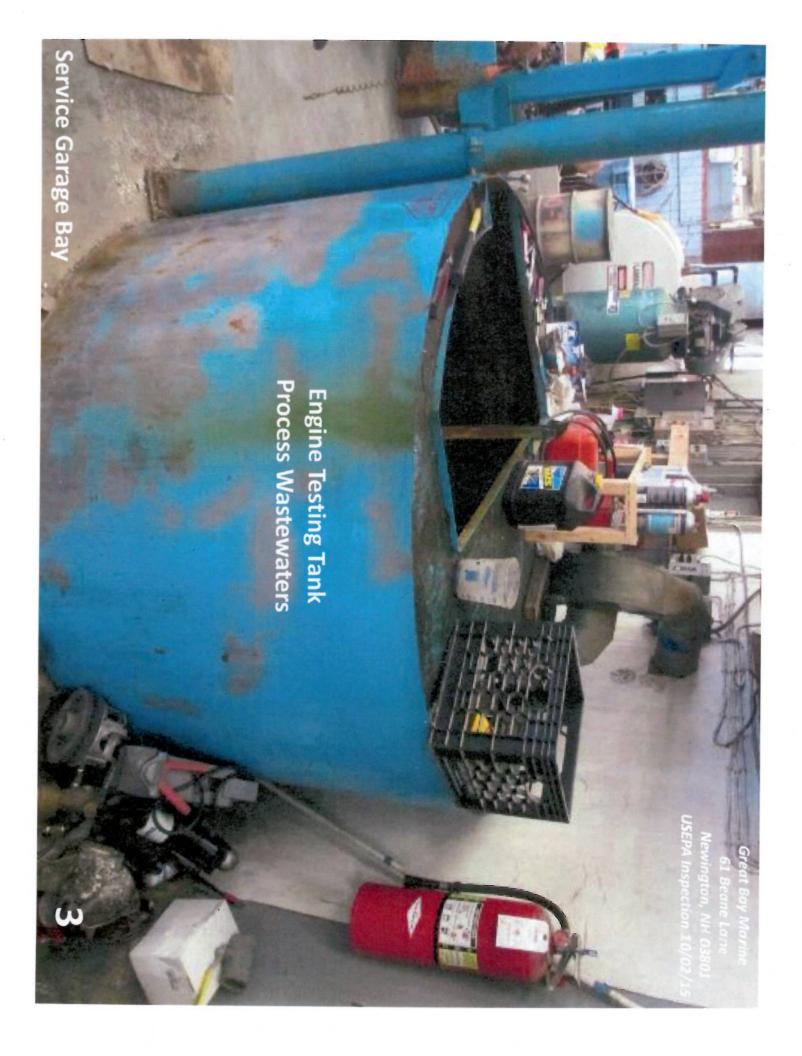
Inspectors:

Alex Rosenberg, Joseph Canzano



Great Bay Marine 61 Beane Lane Newington, NH 03801 10/2/15

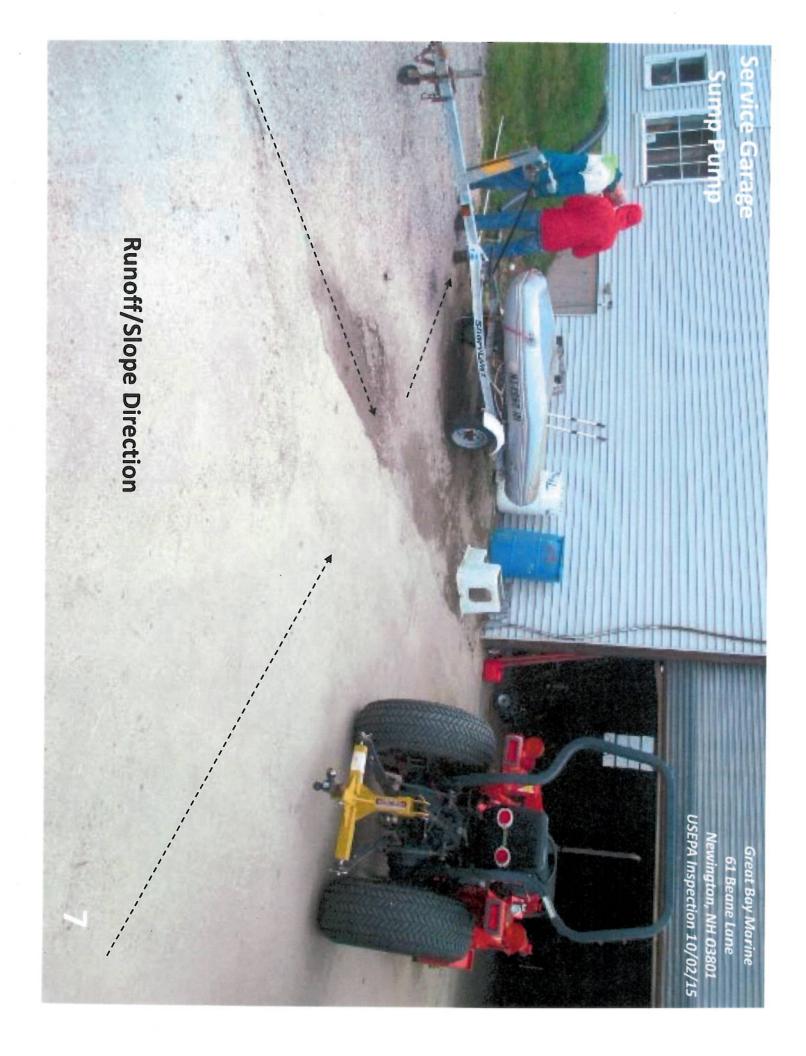


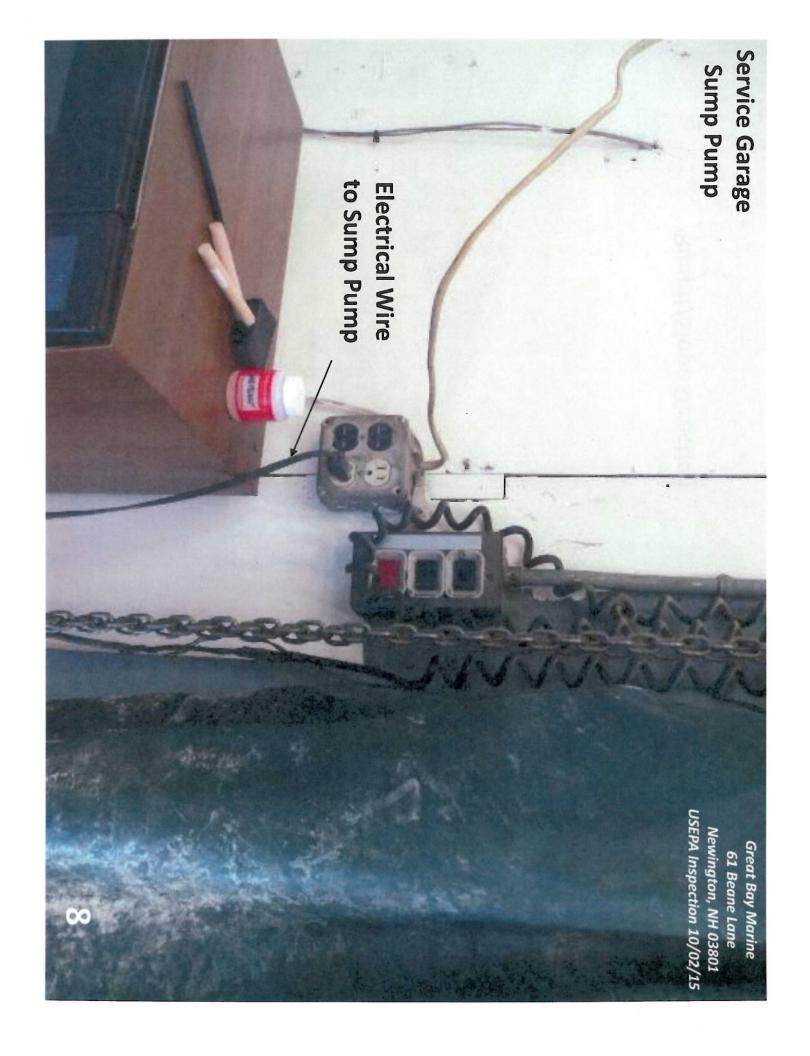


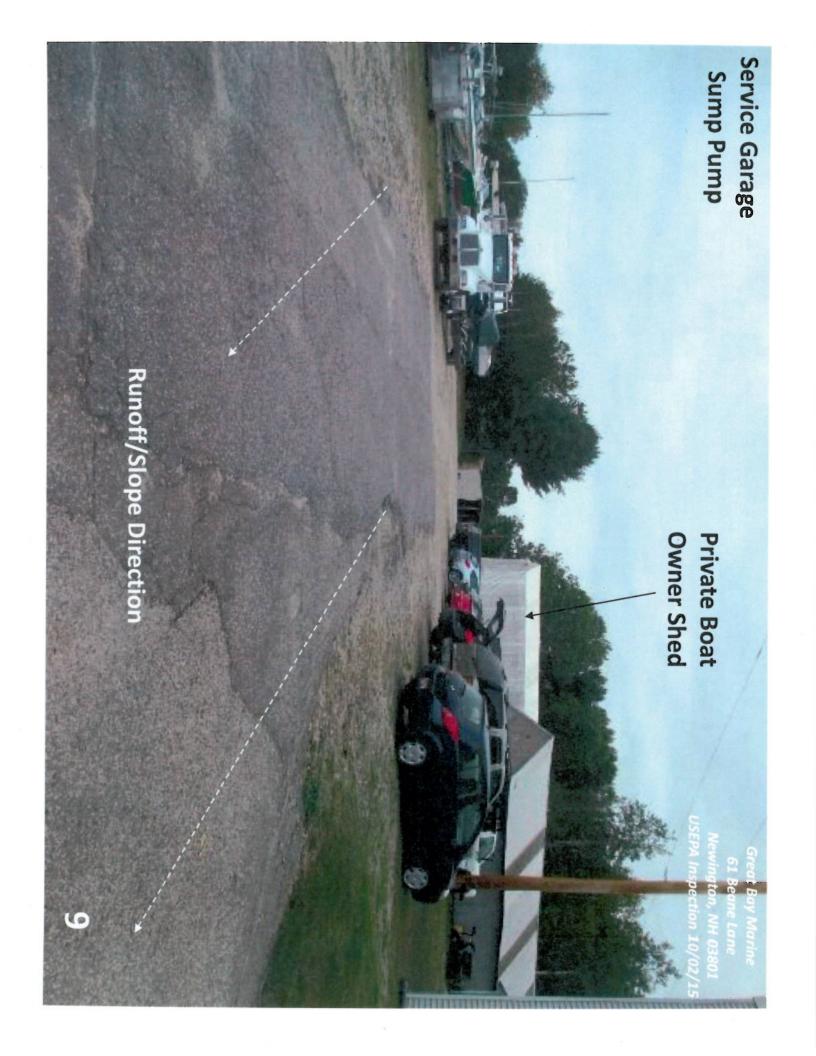


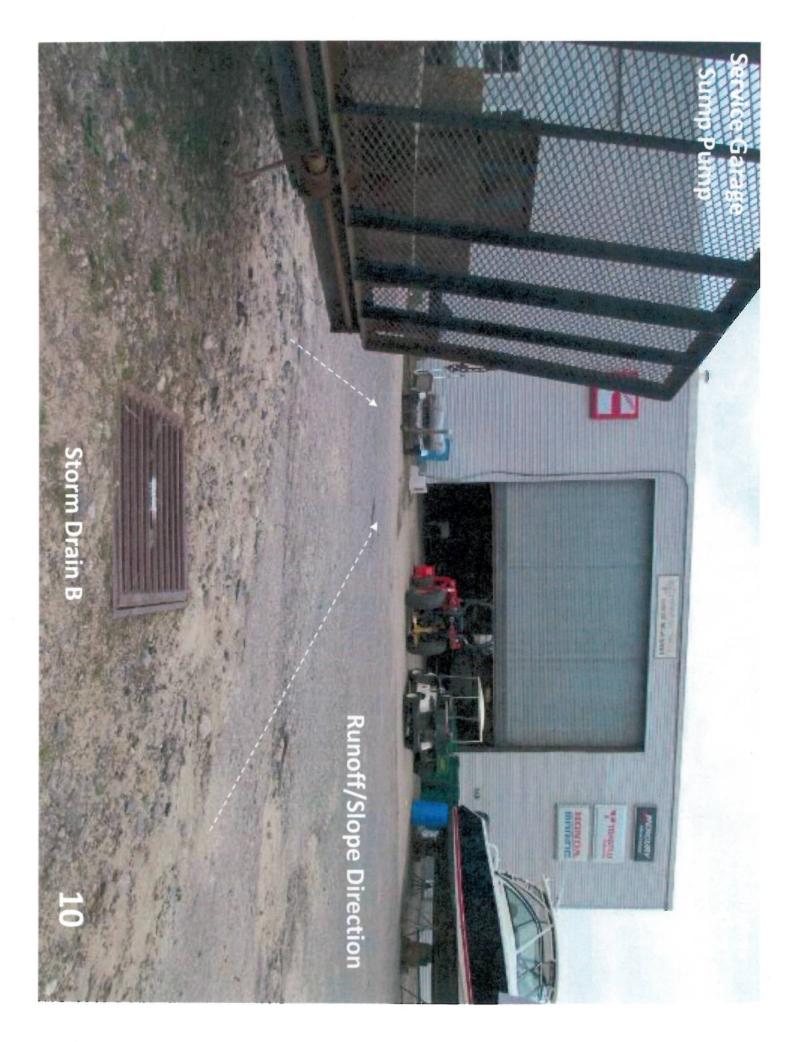


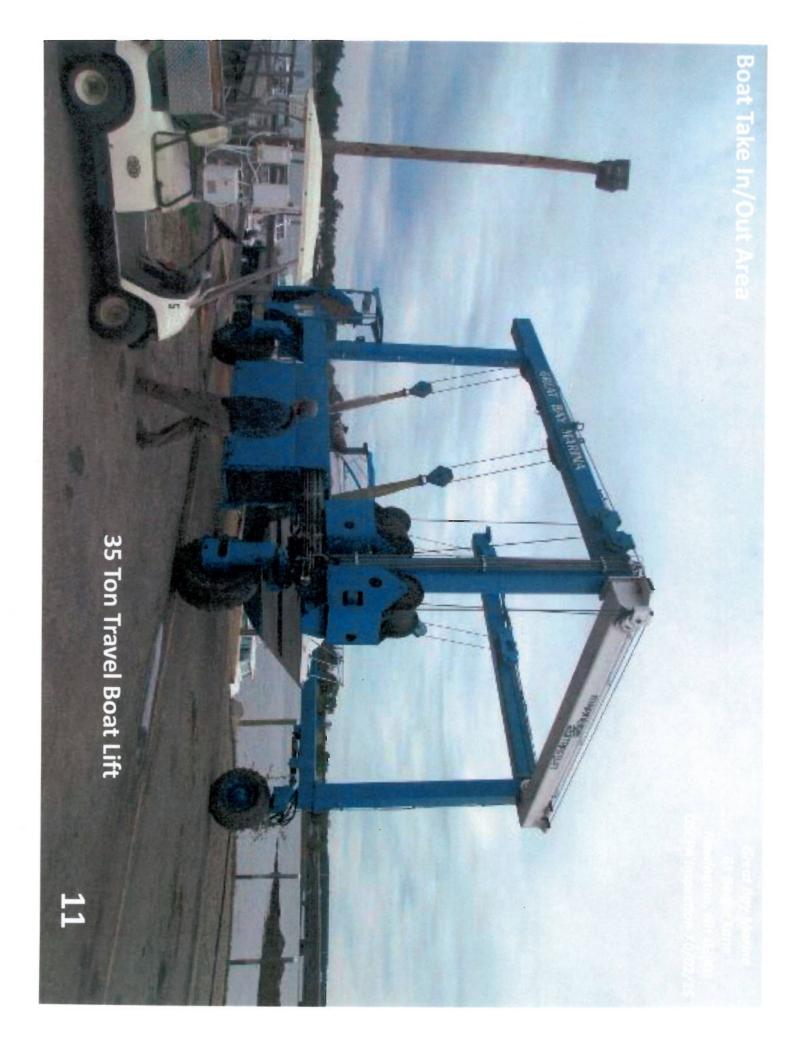


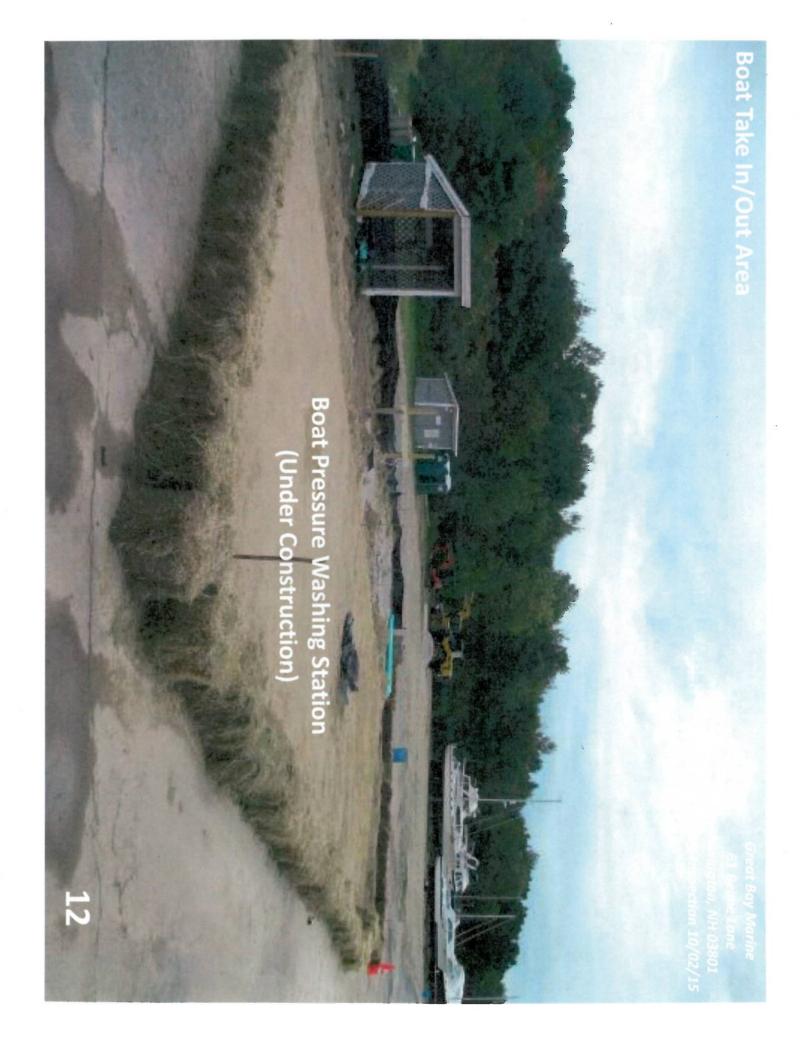


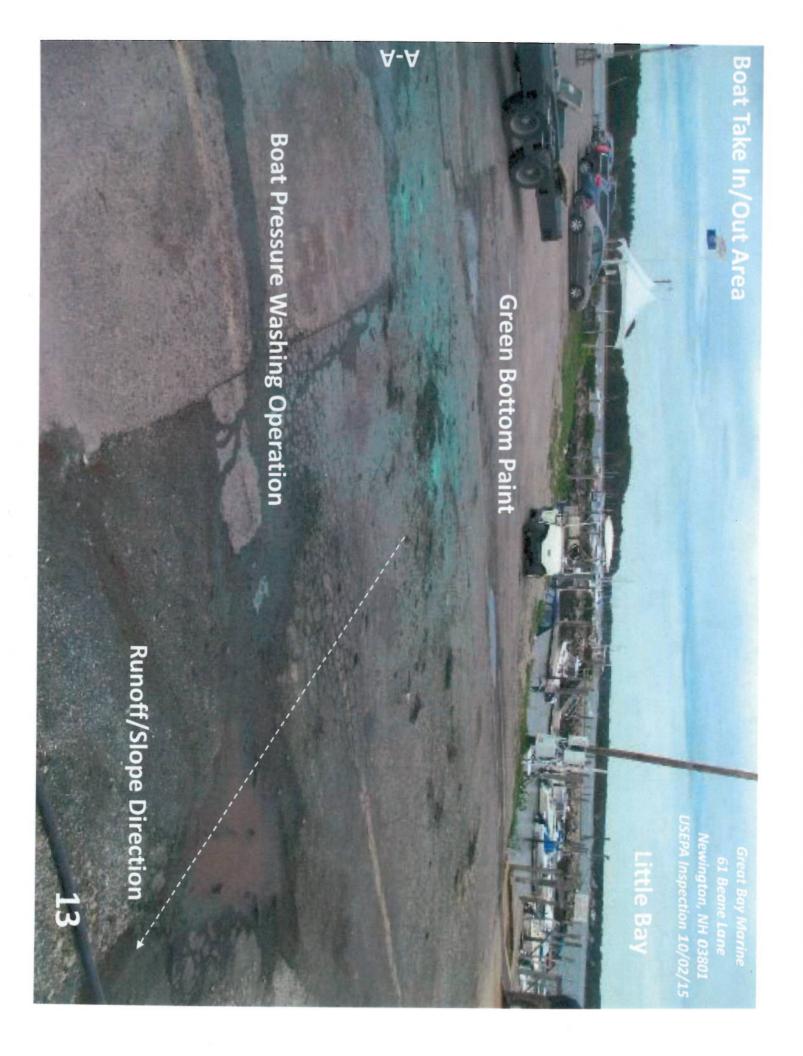


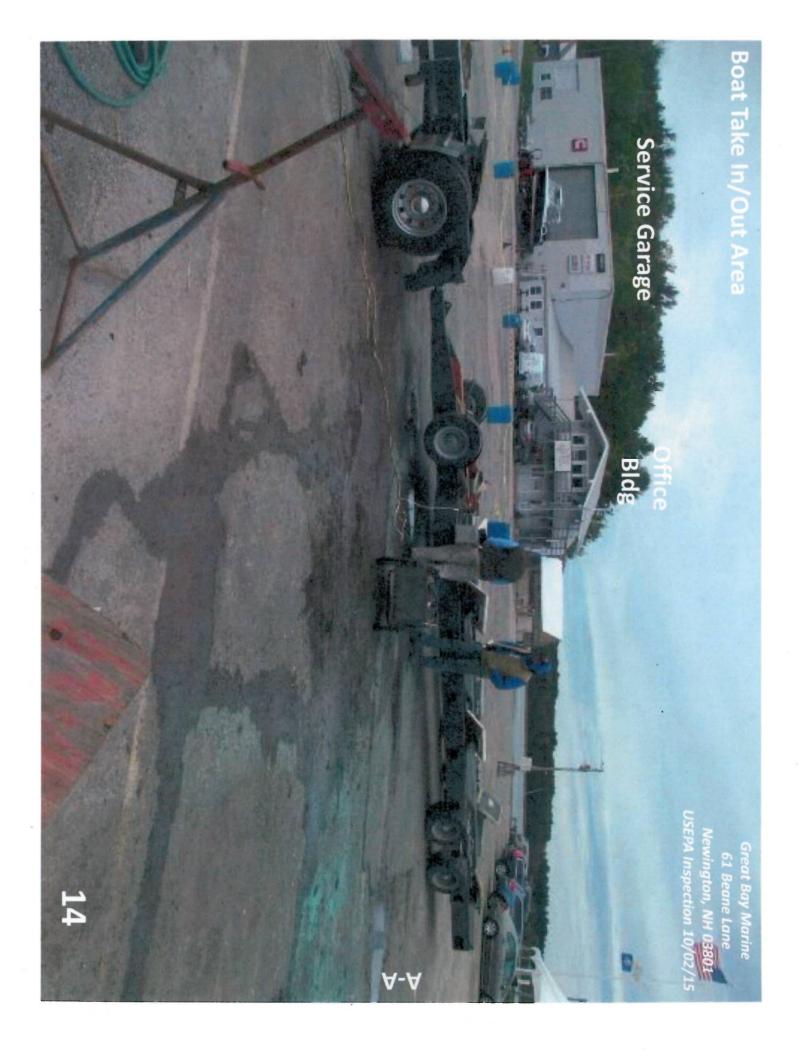


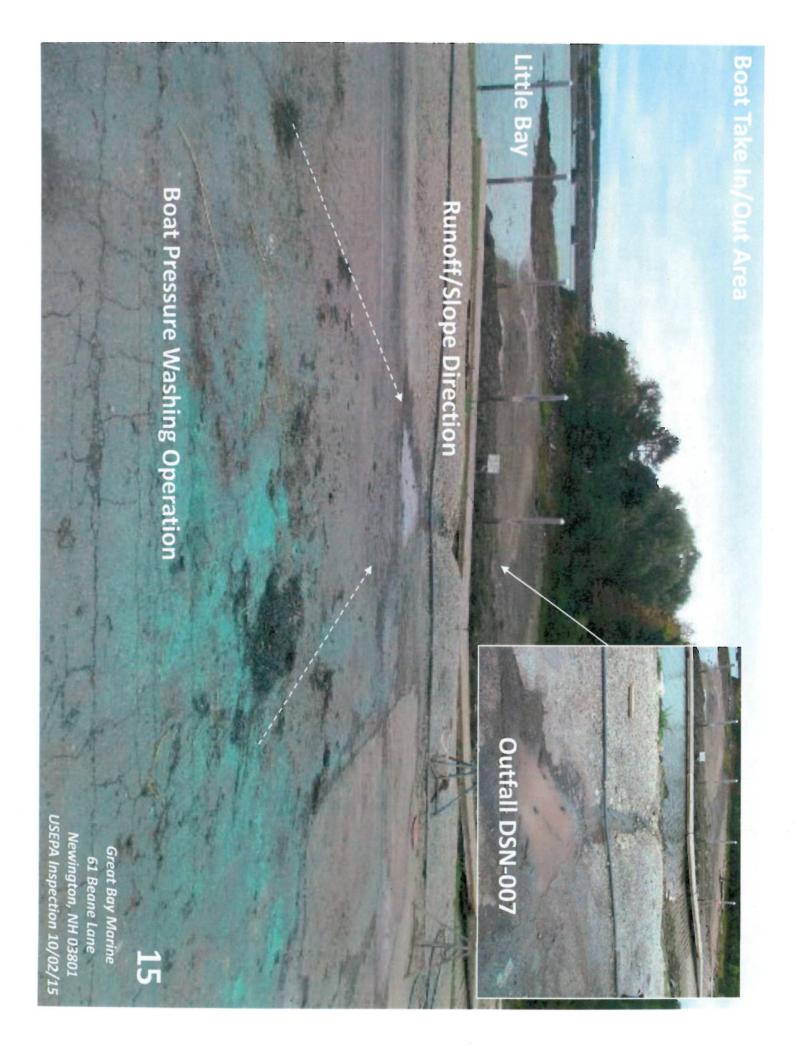


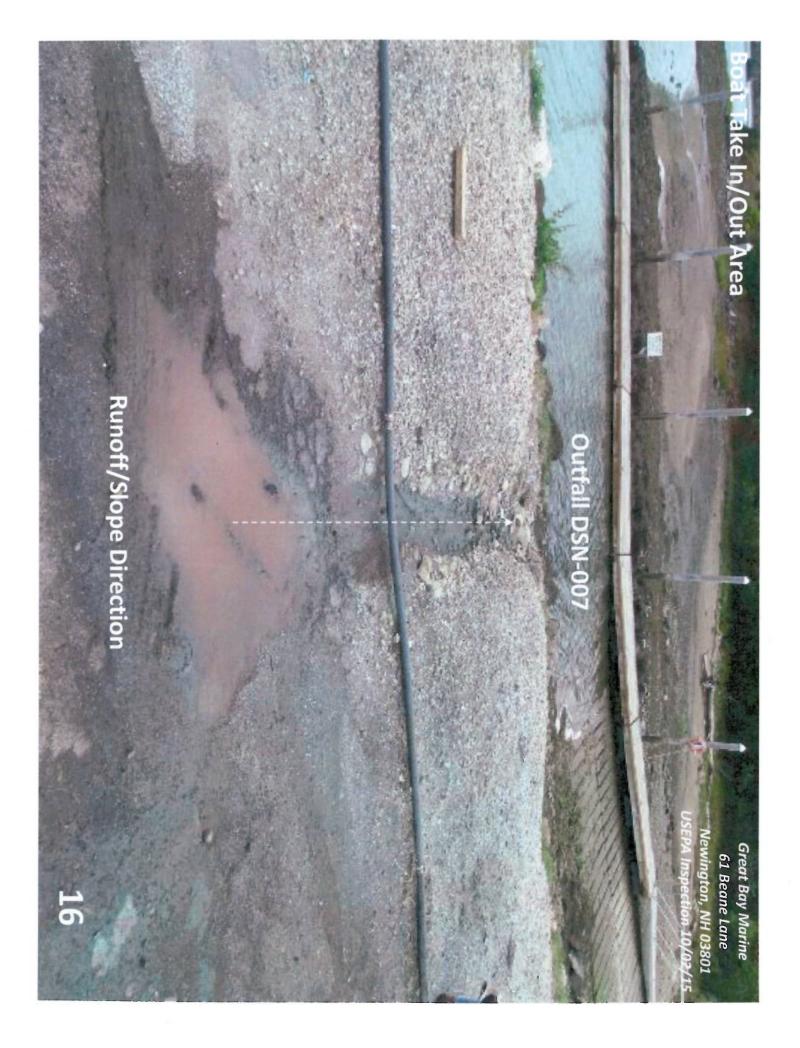


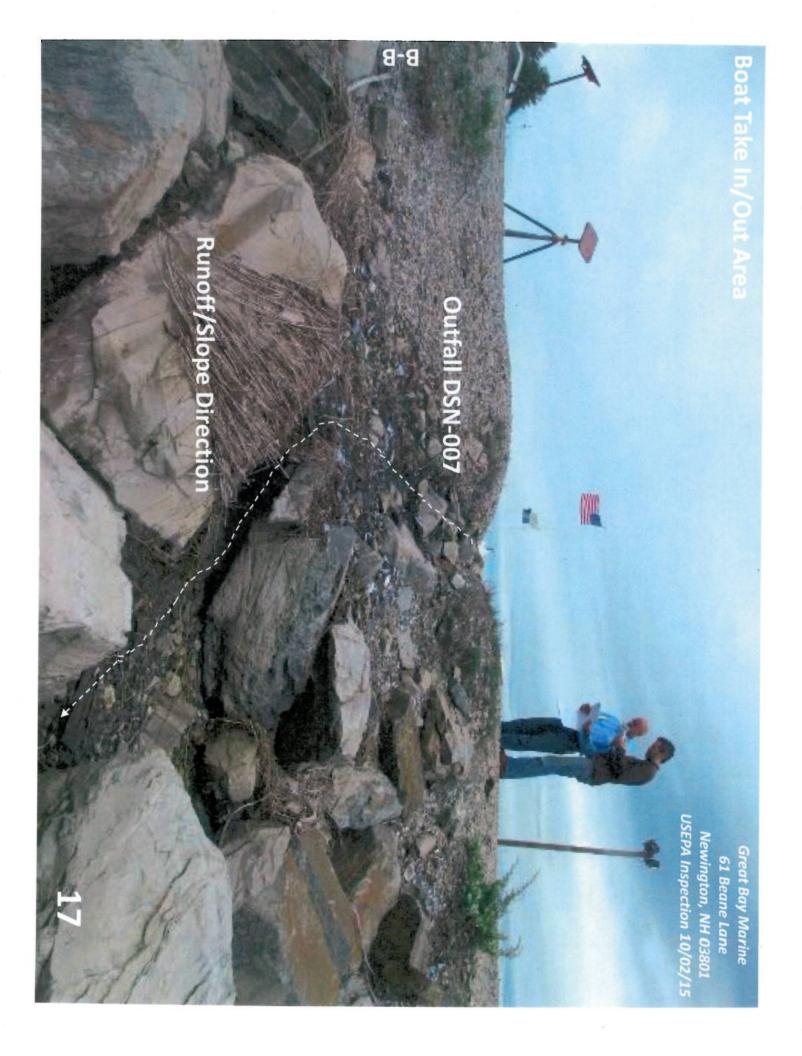


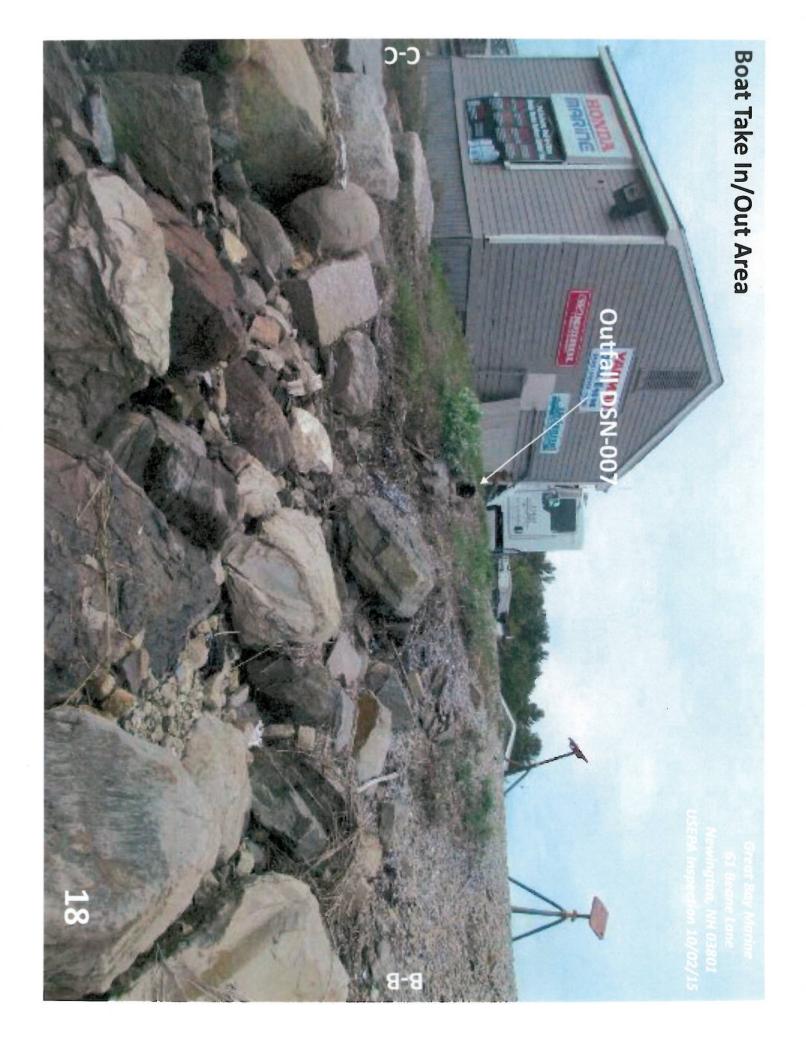


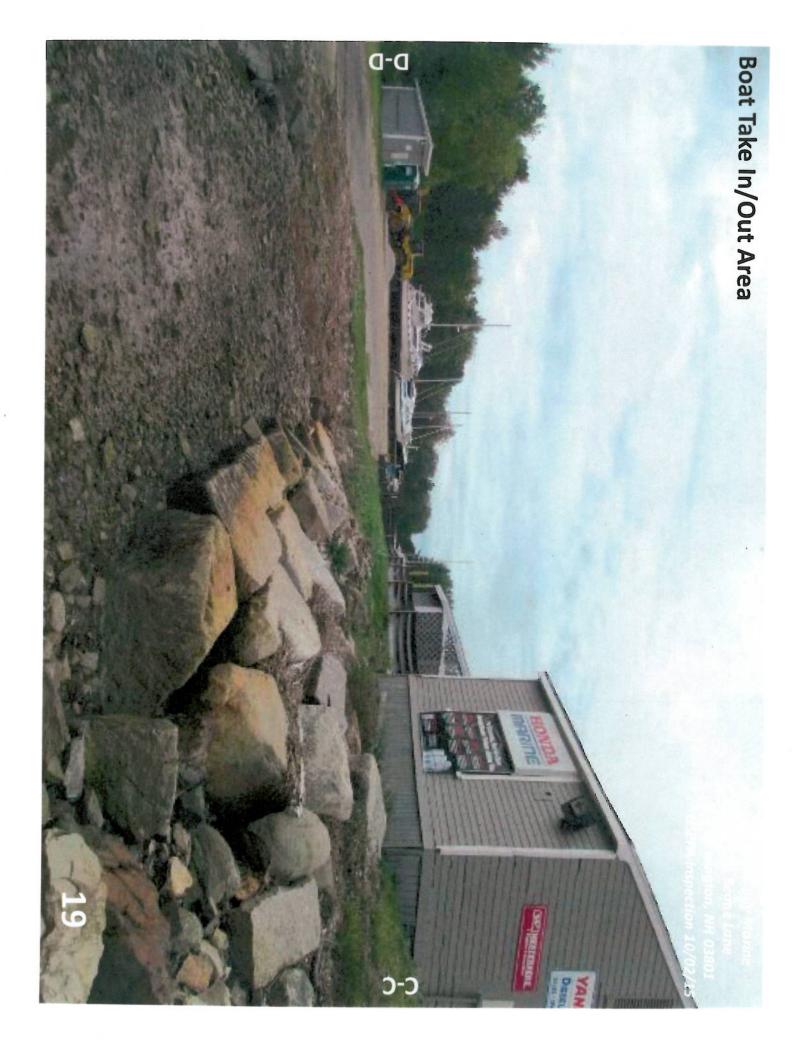


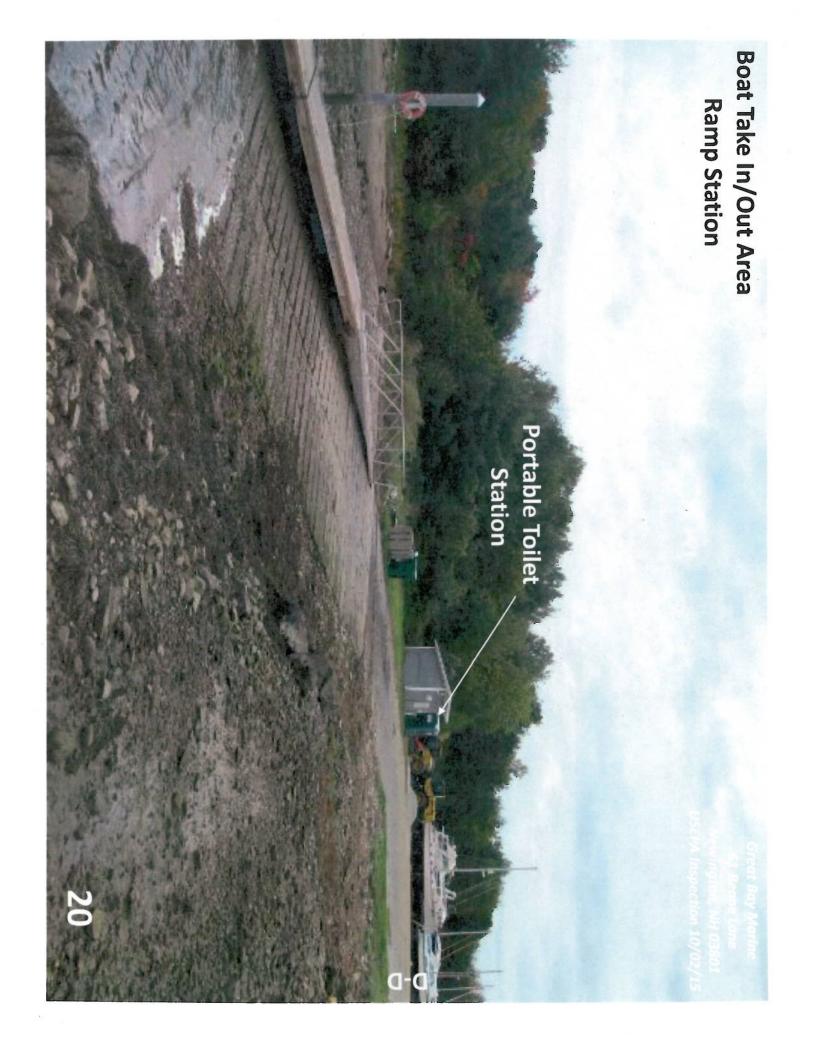


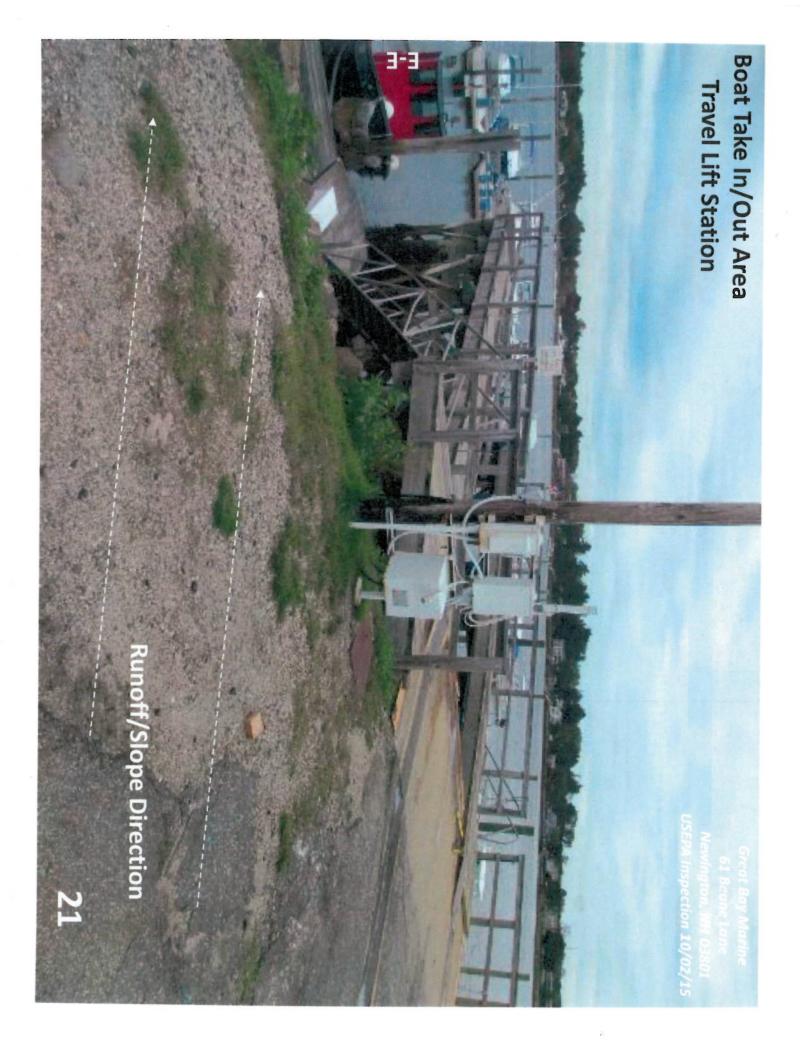












Boat Take In/Out Area

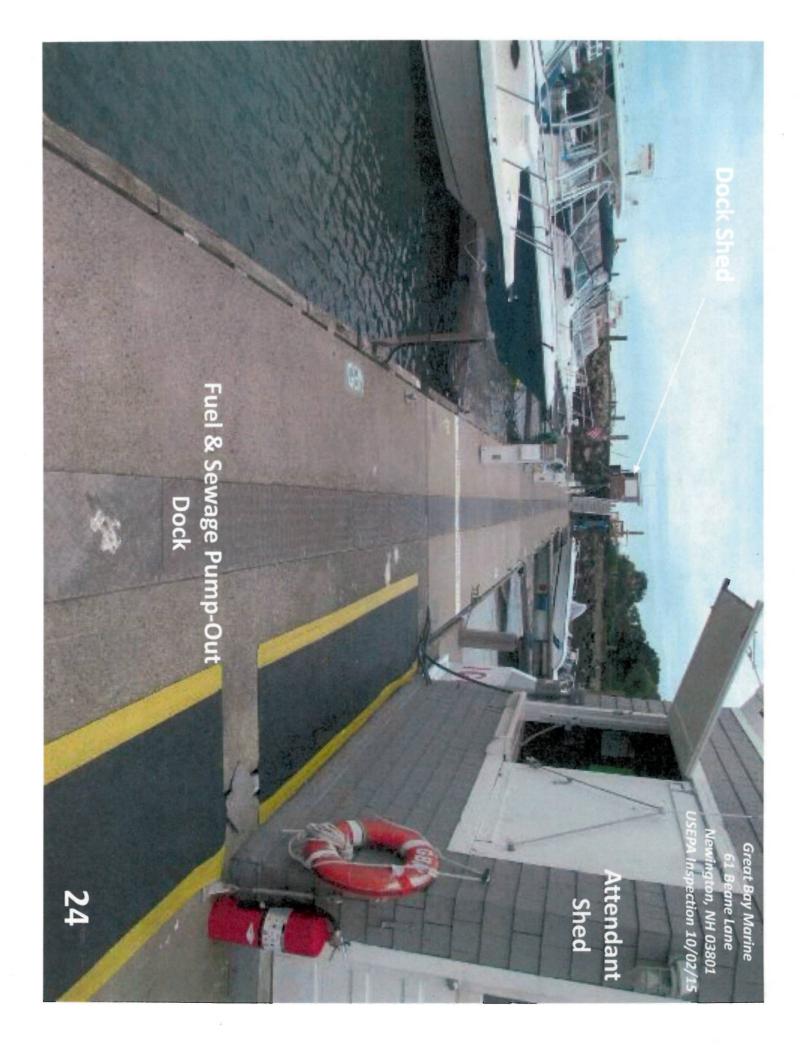
lewington, NH 03803

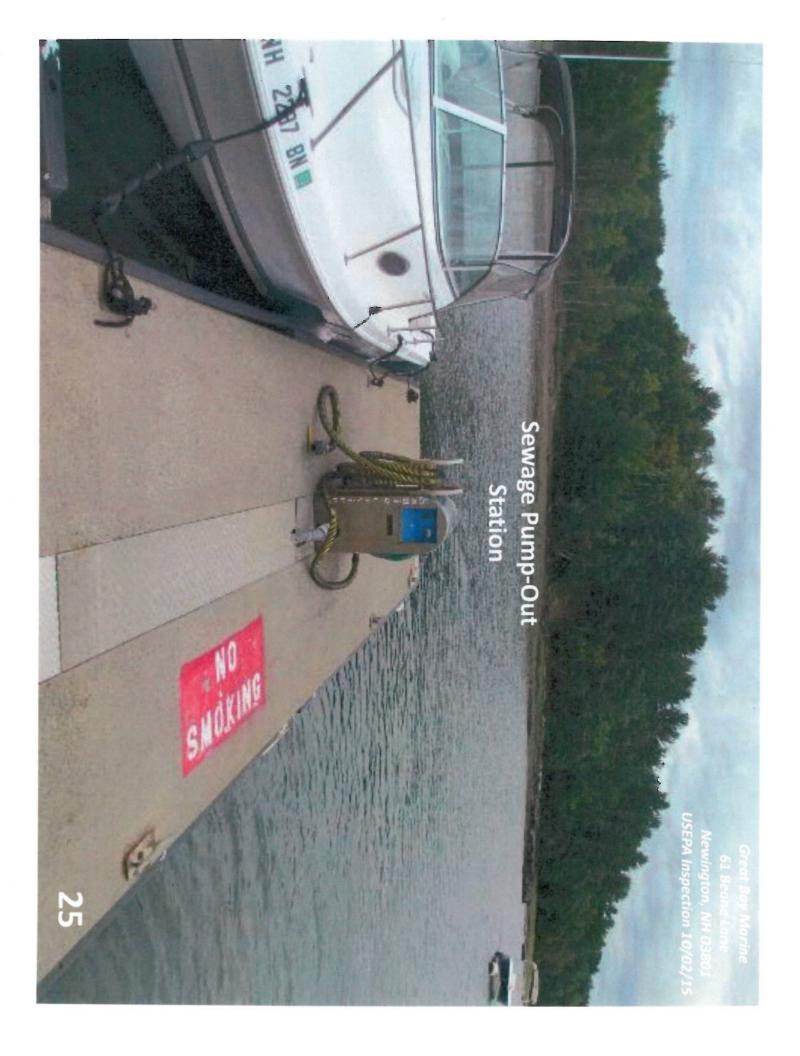
reat Ba, ne 61 Beane Lane

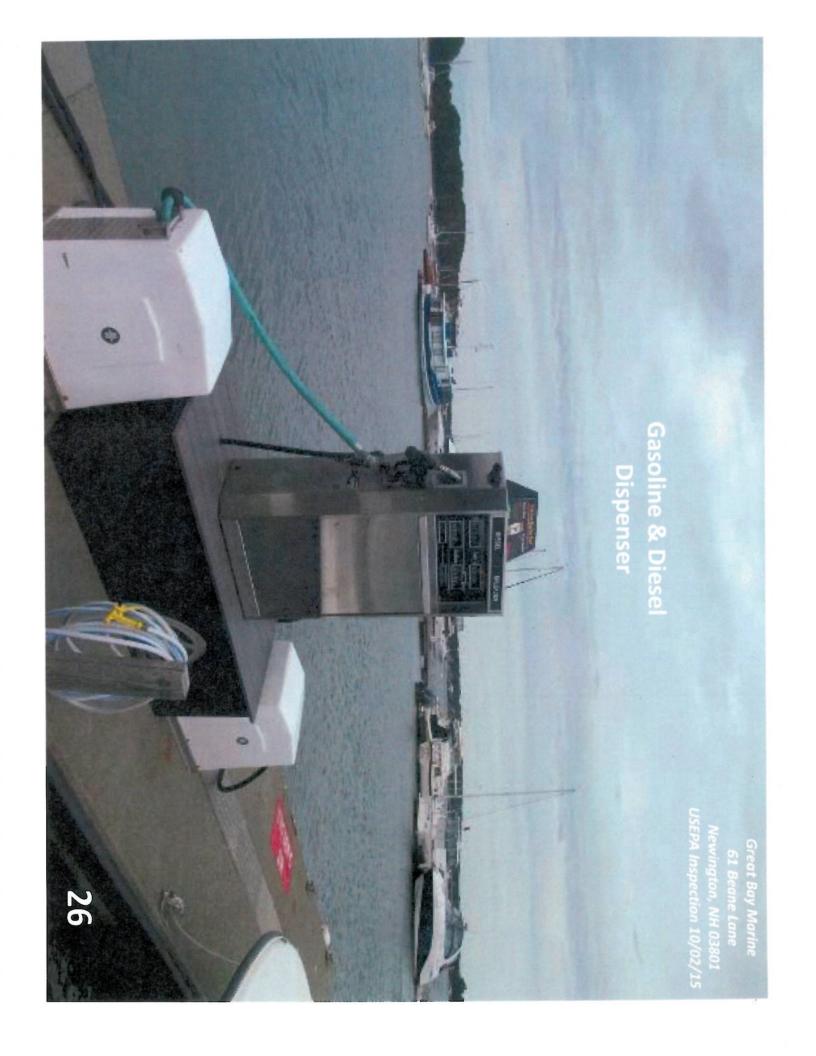
Boat Sewage Storage Tank

Boat Pump Out Sewer Line/Piping

Dock Shed







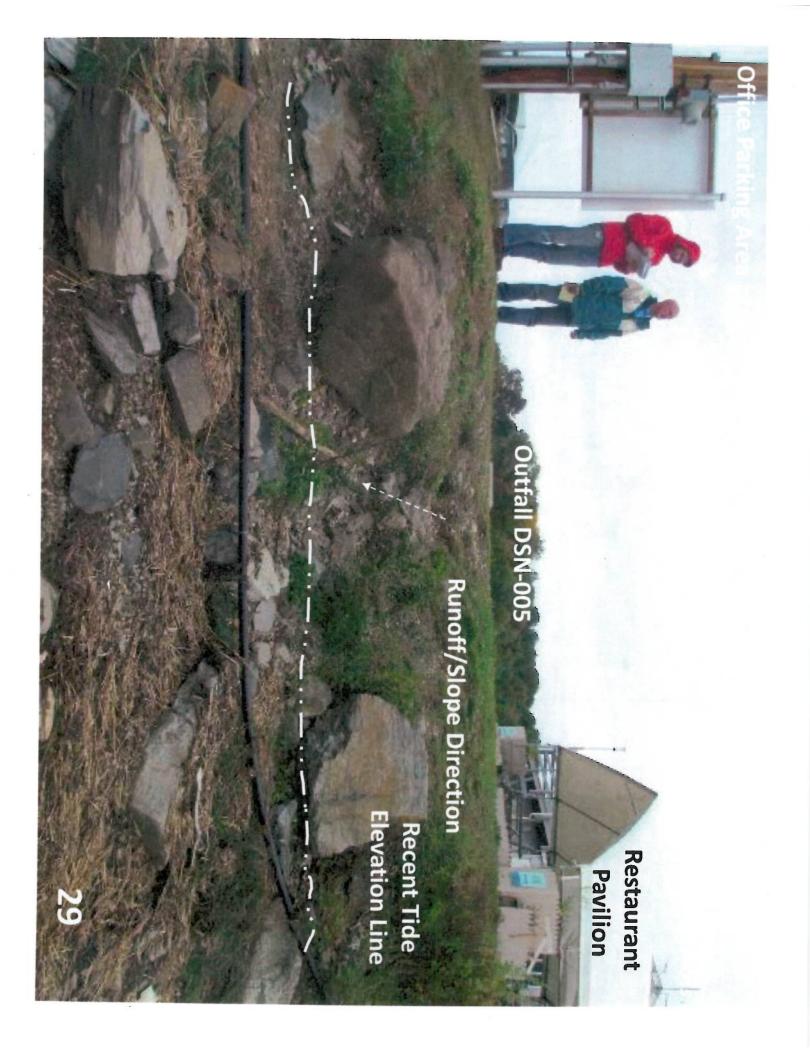


Sewer Pump Ejector Chamber

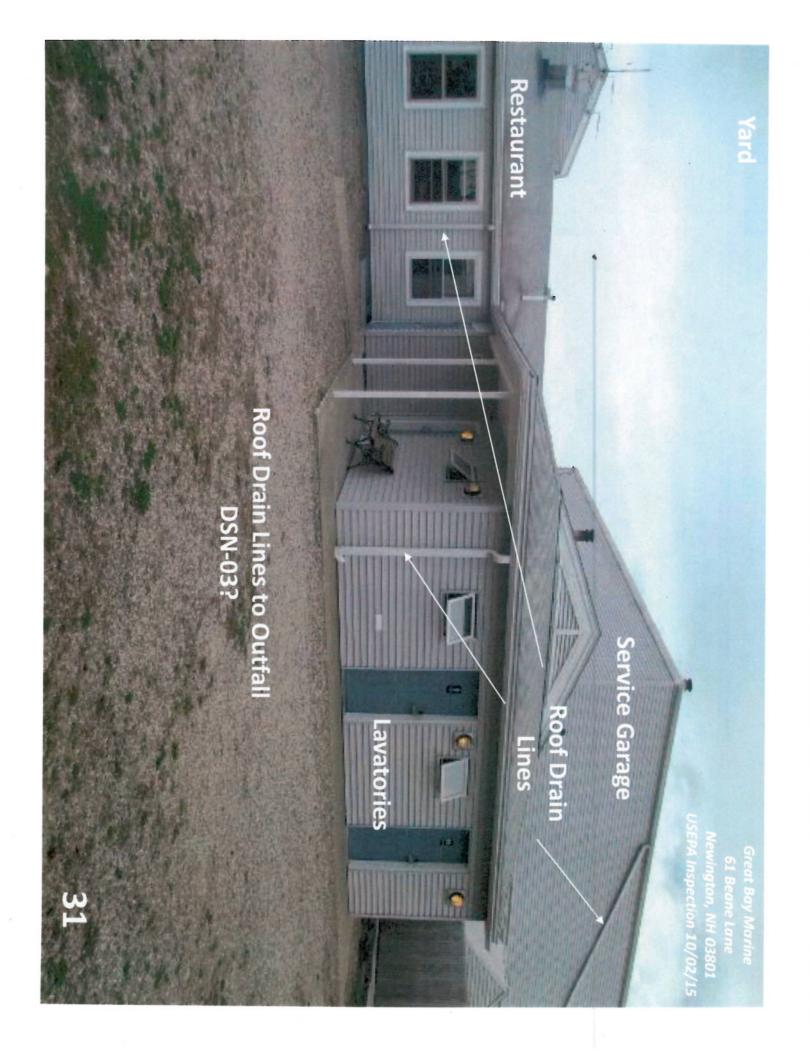


Office Parking Area

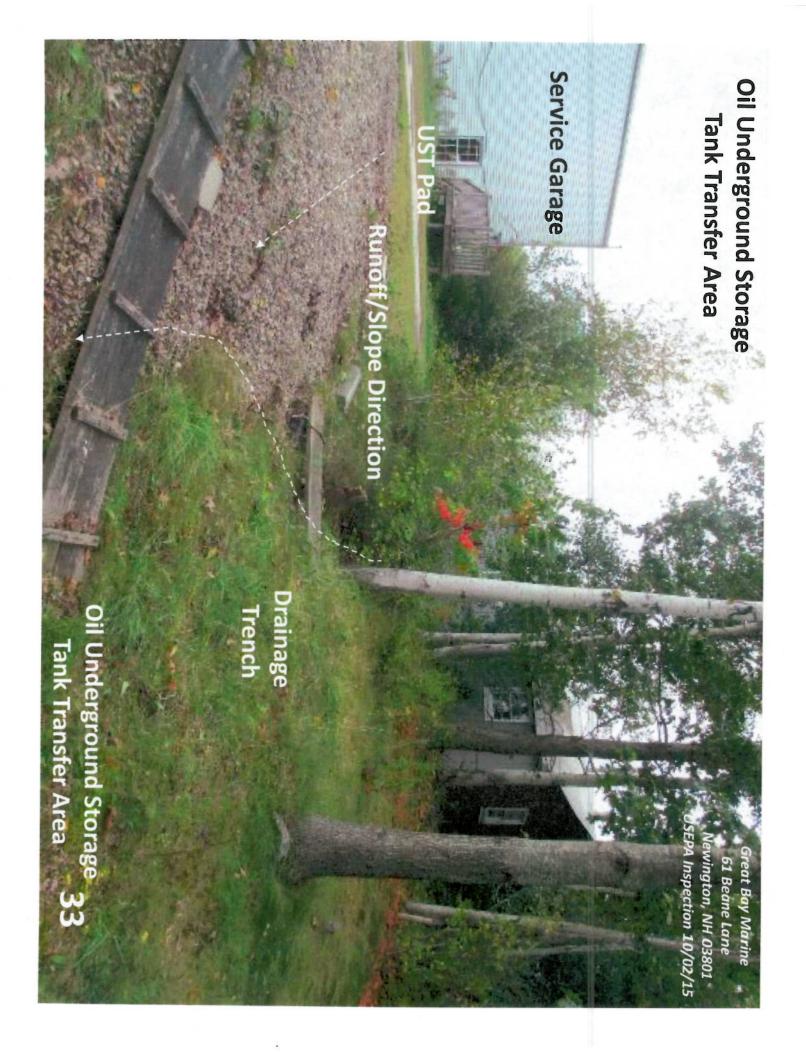
Office Parking Area Outfall DSN-05 **Great Bay Marine**

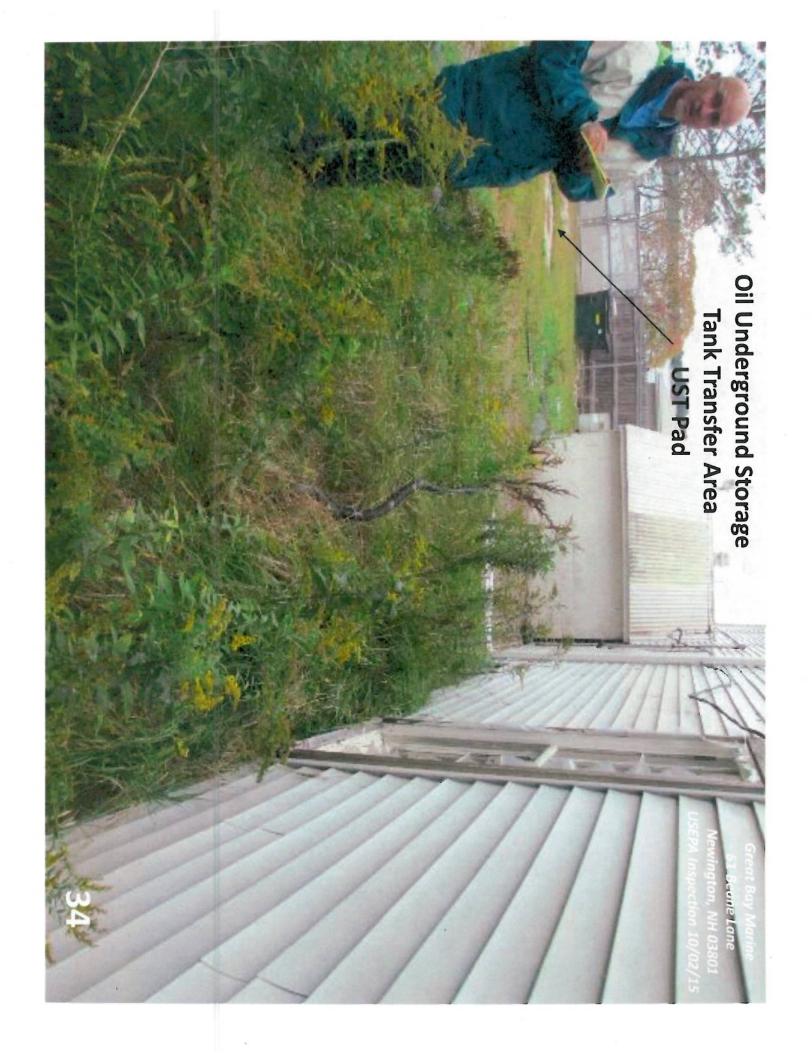


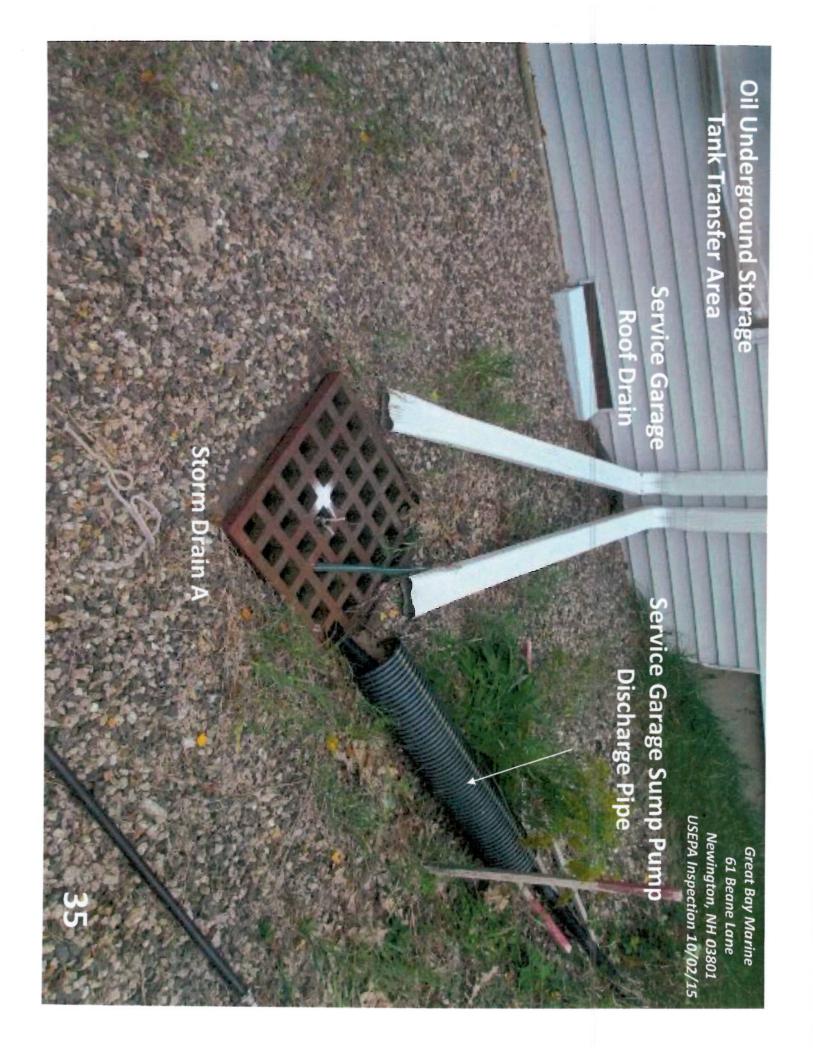


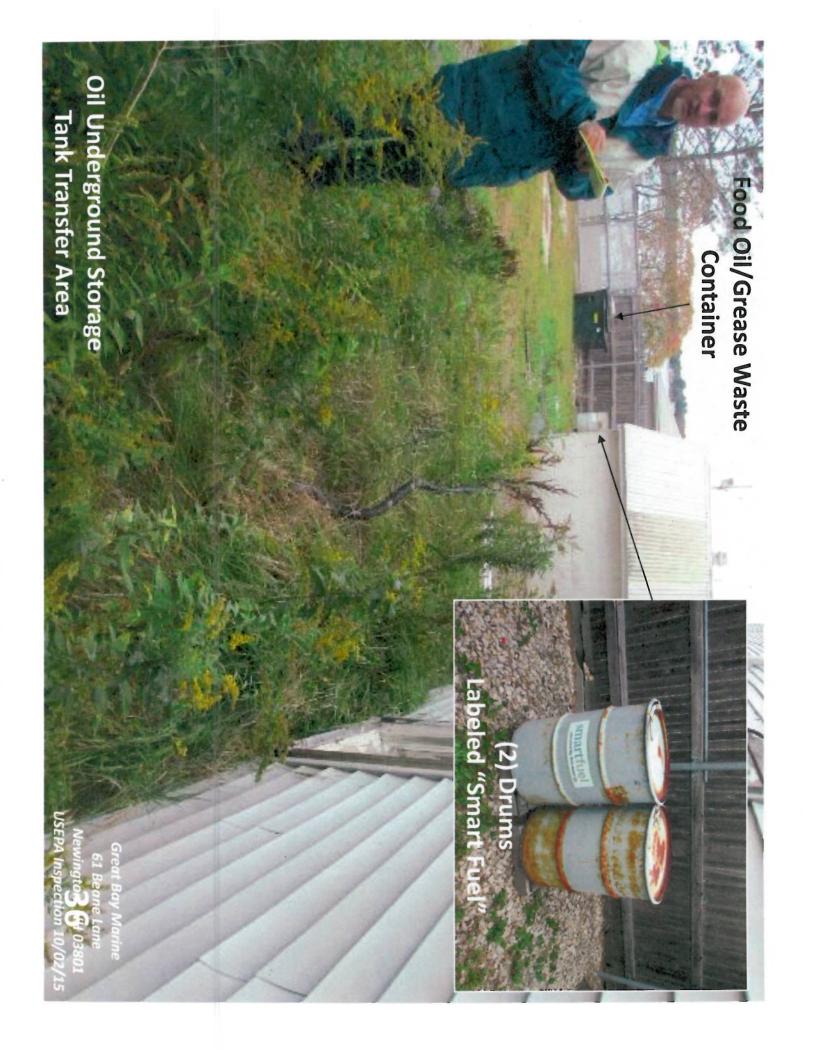


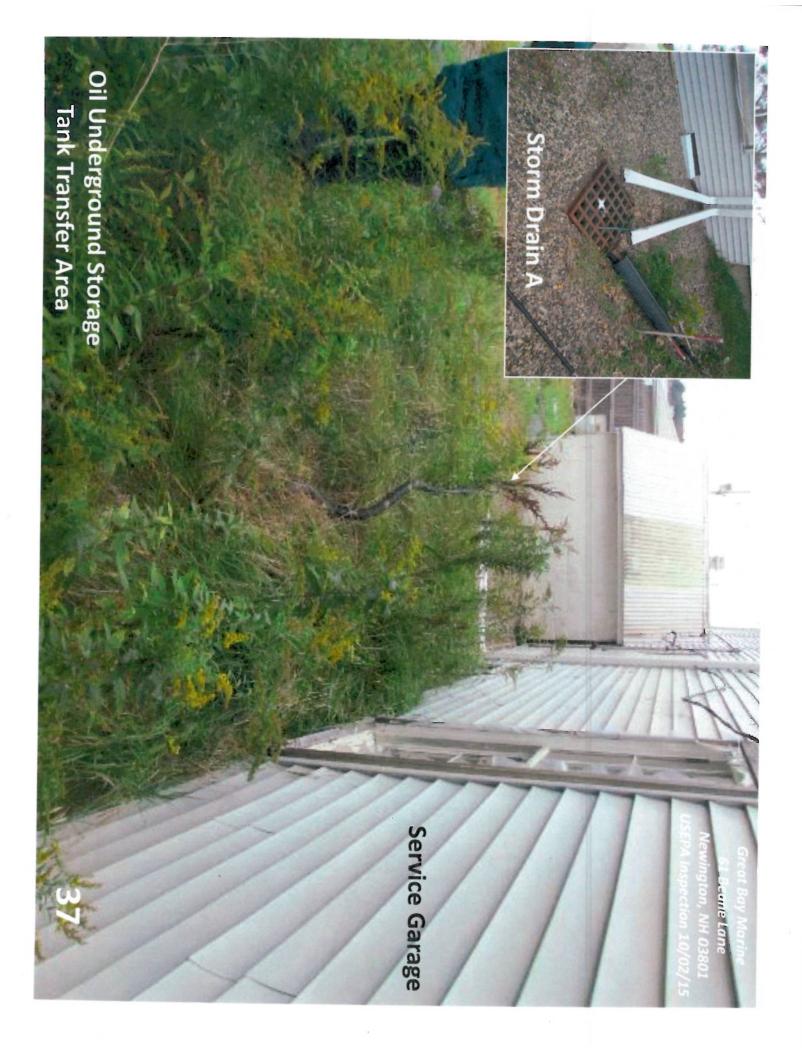
Tank Transfer Area

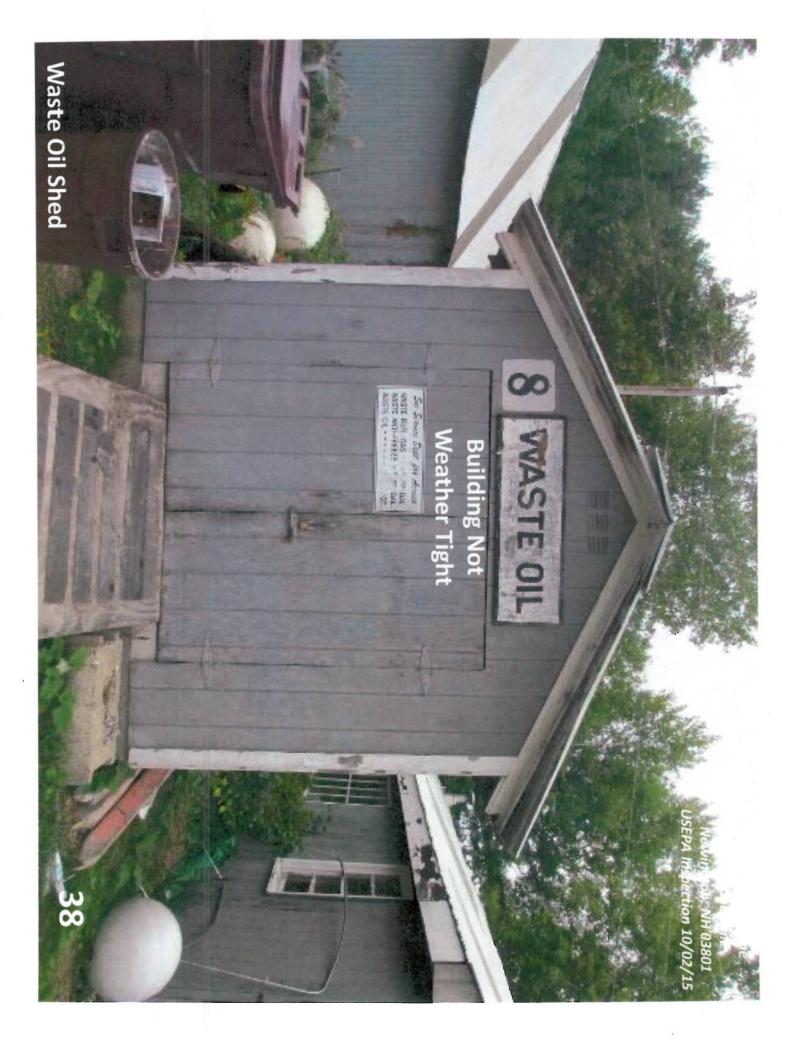


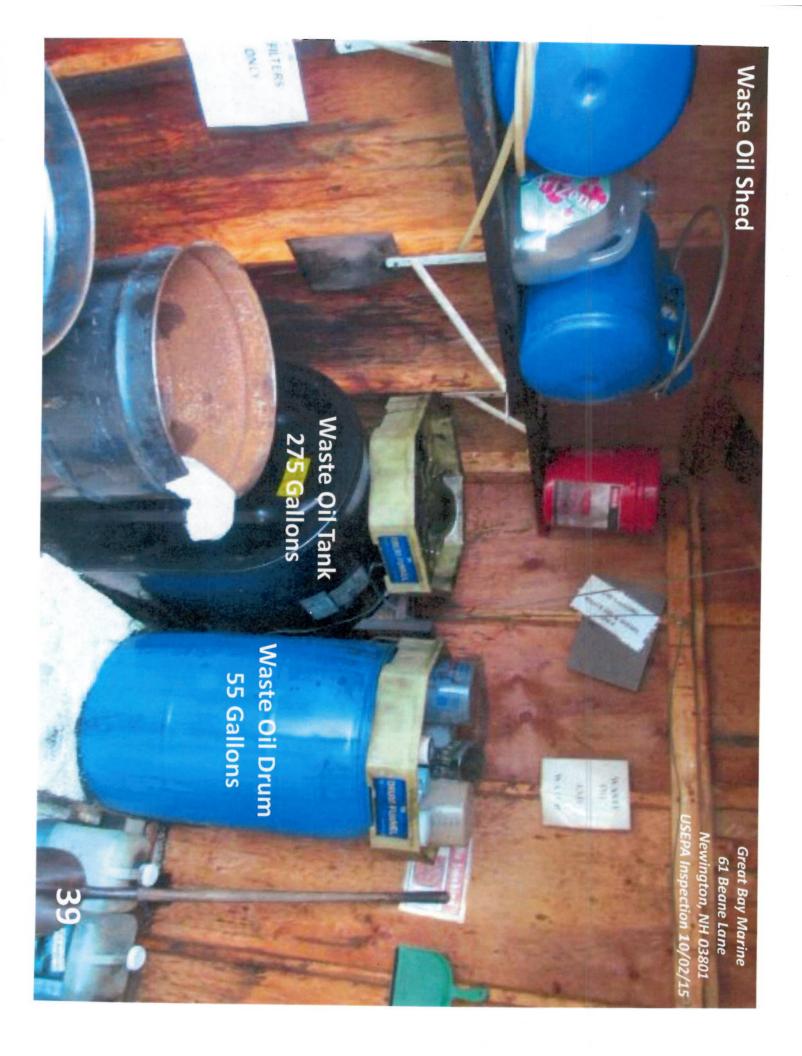


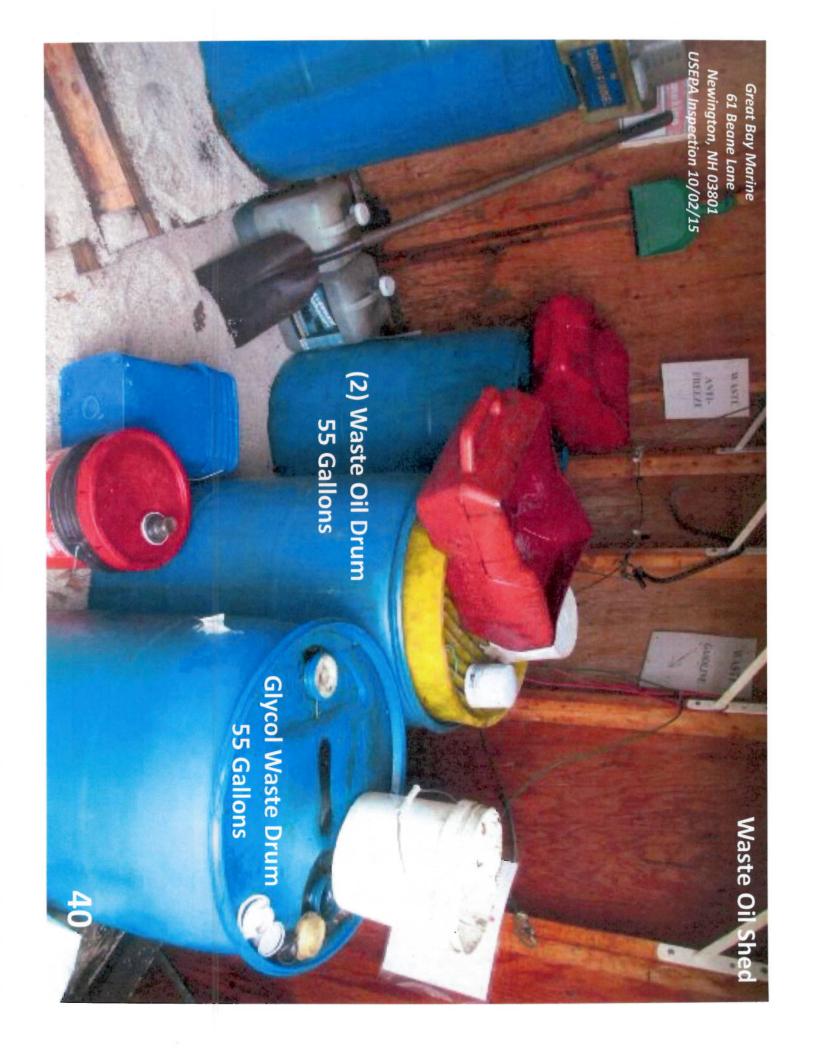


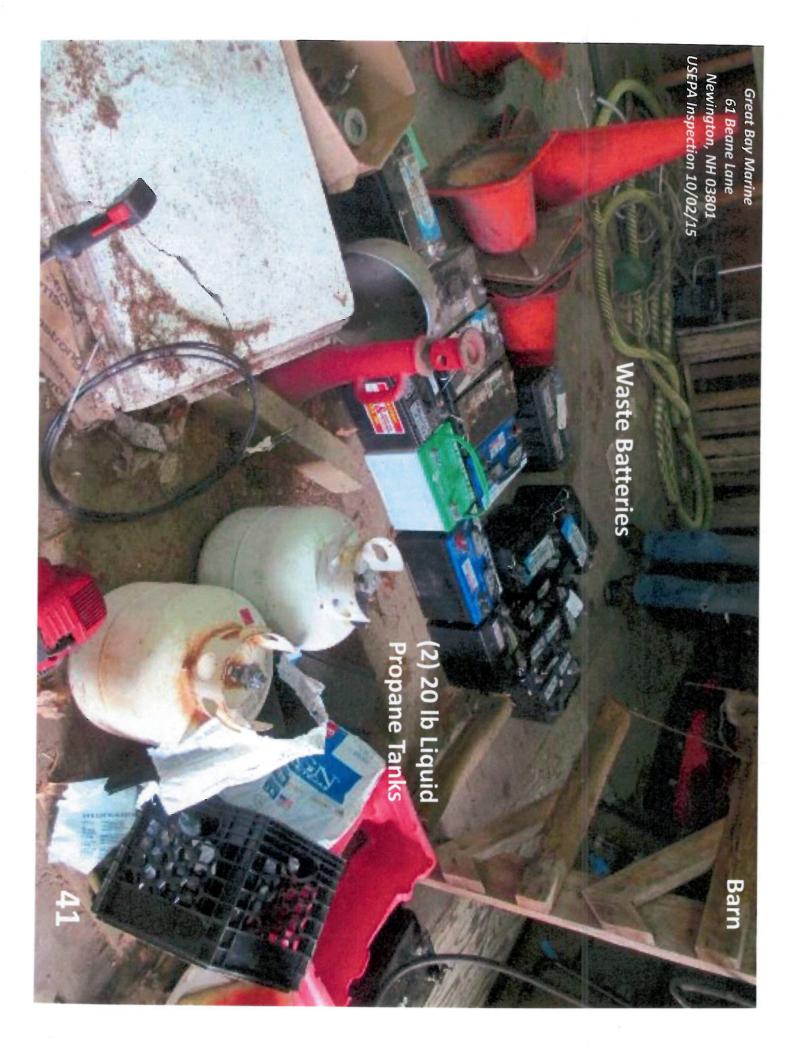




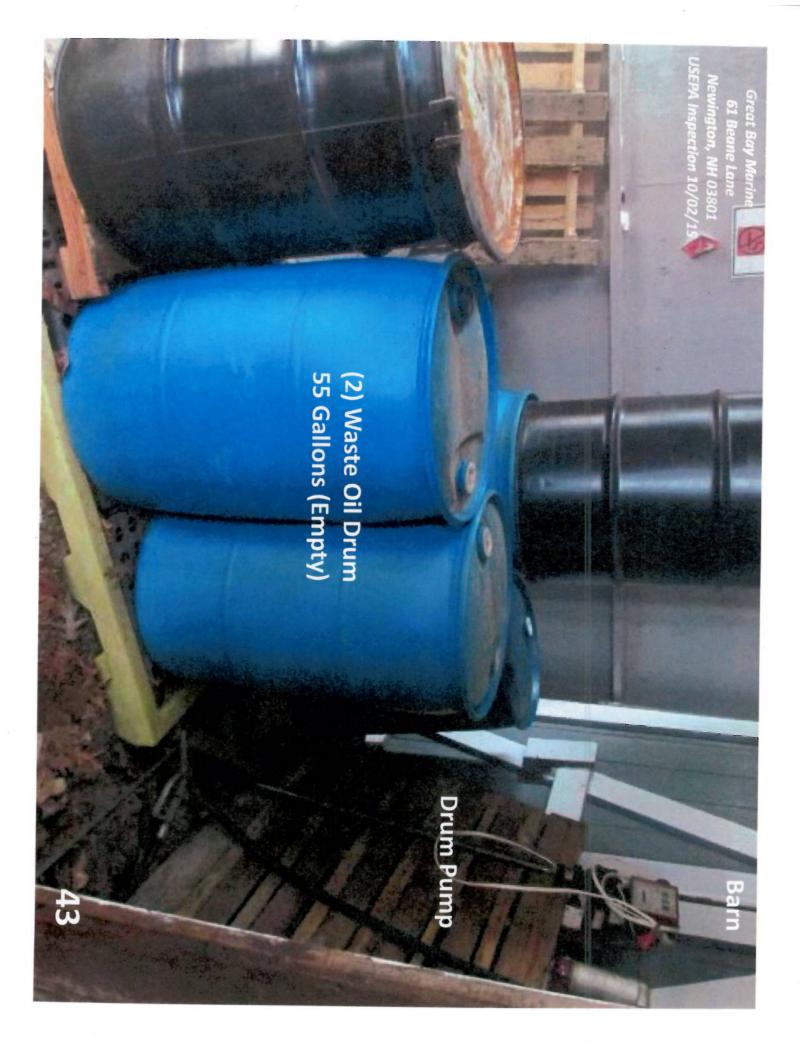


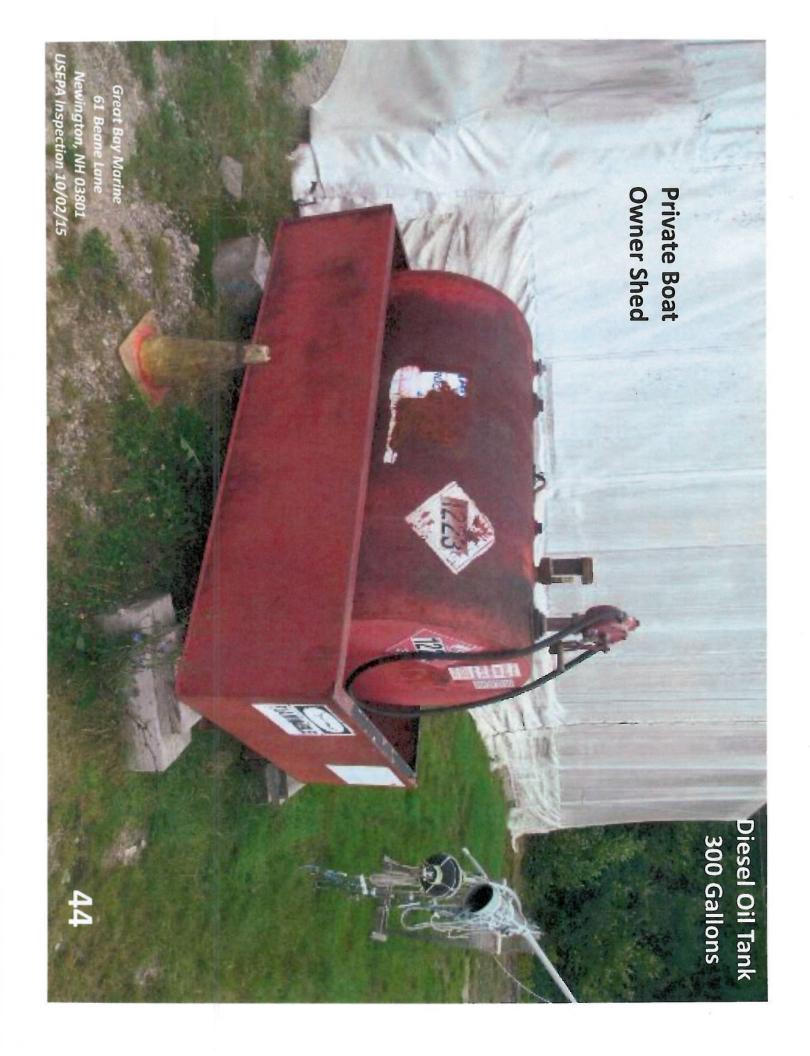


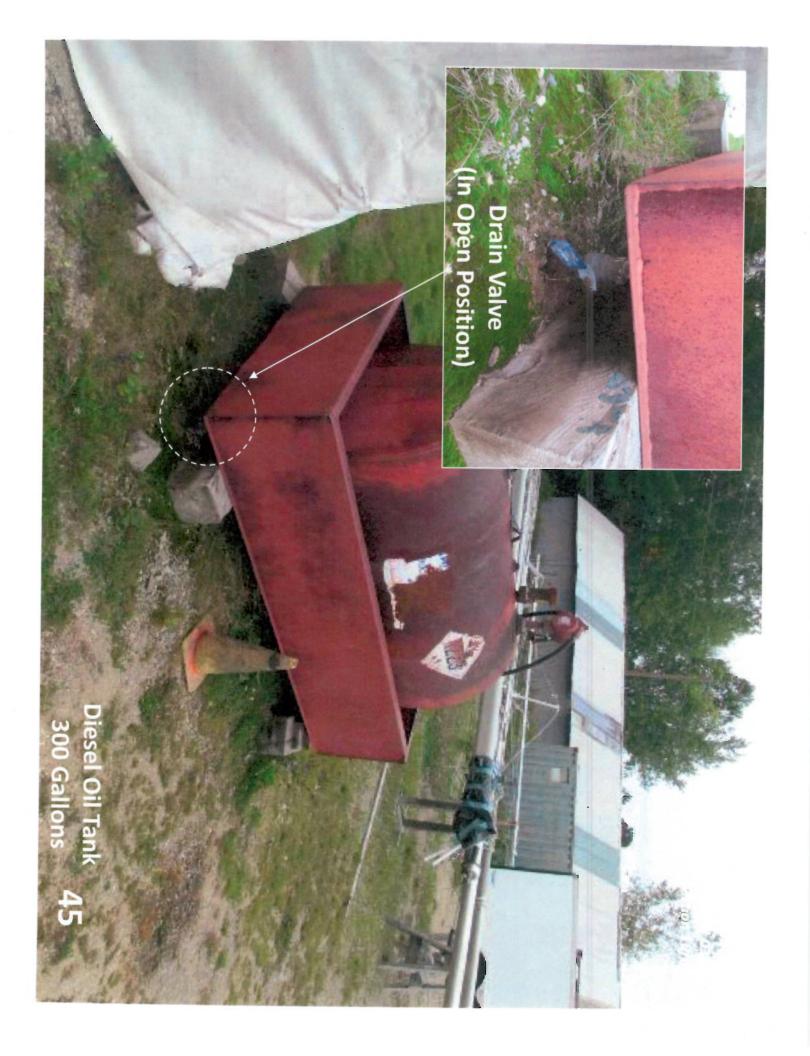












Containment Dike Debris in Diesel Oil Tank
300 Gallons
46 USEPA Inspection 10/02/15 **Great Bay Marine** 61 Beane Lane

Pole #1 ransformer

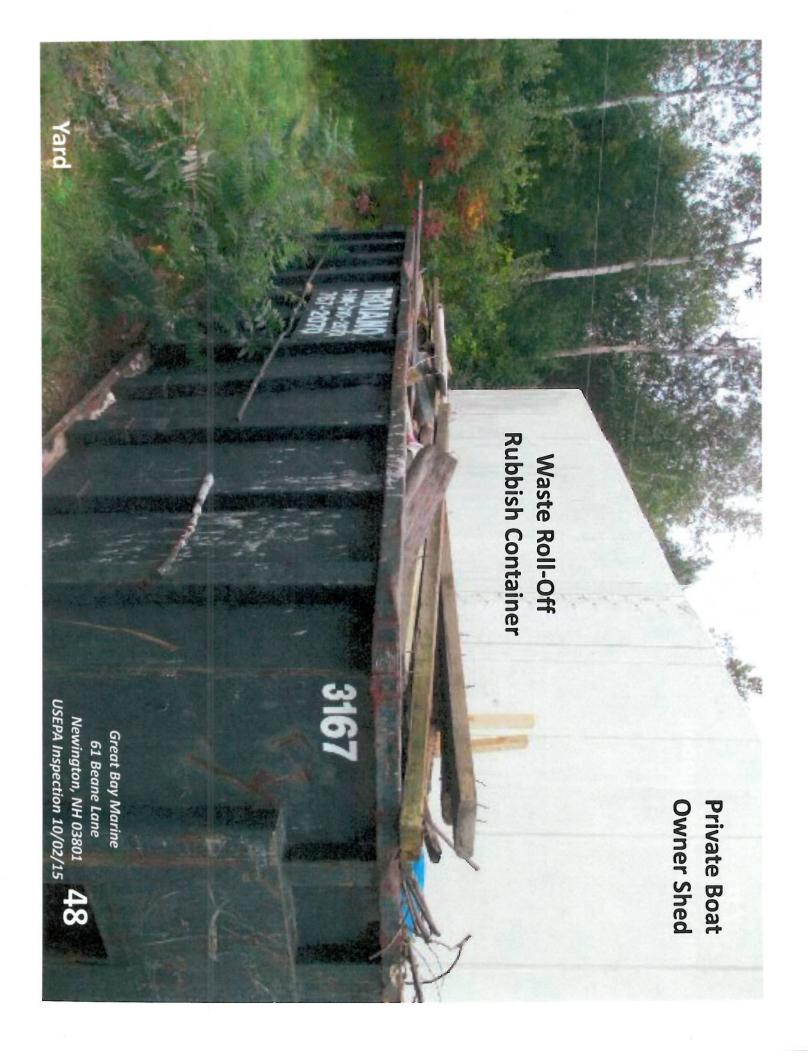
Service Garage Bldg.

ste Oil Shed & Barr

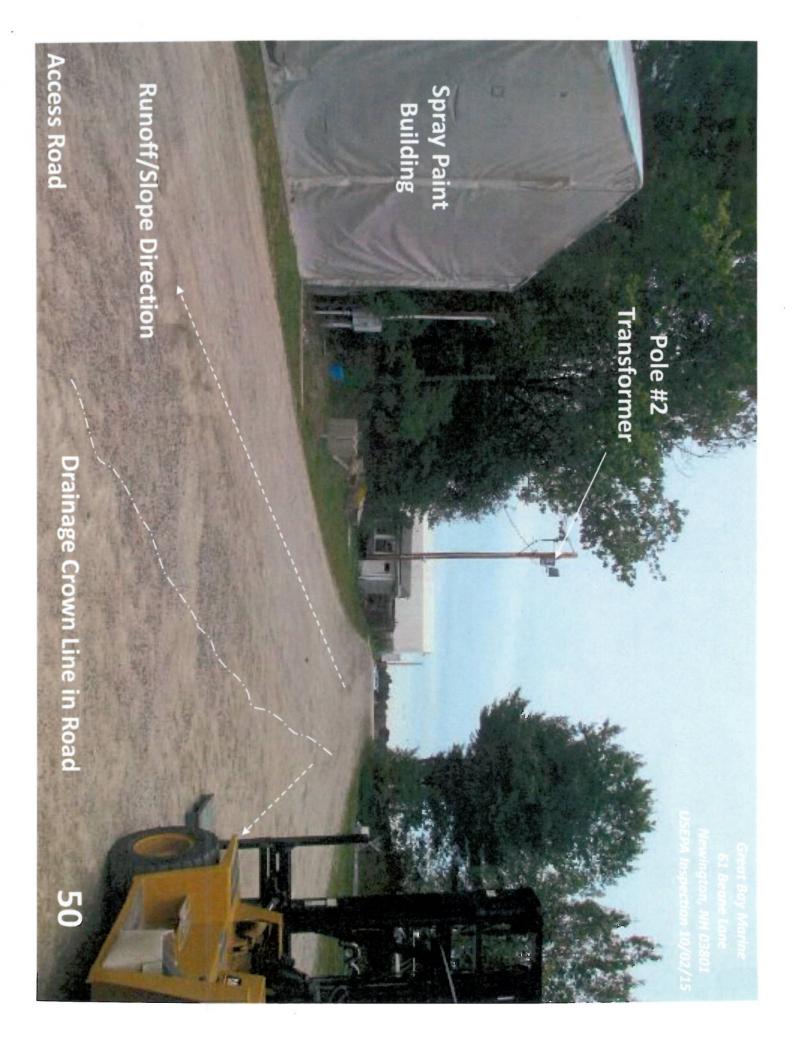
Diesel Oil Tank 300 Gallons

Drainage Crown Line in Road

Runoff/Slope Direction



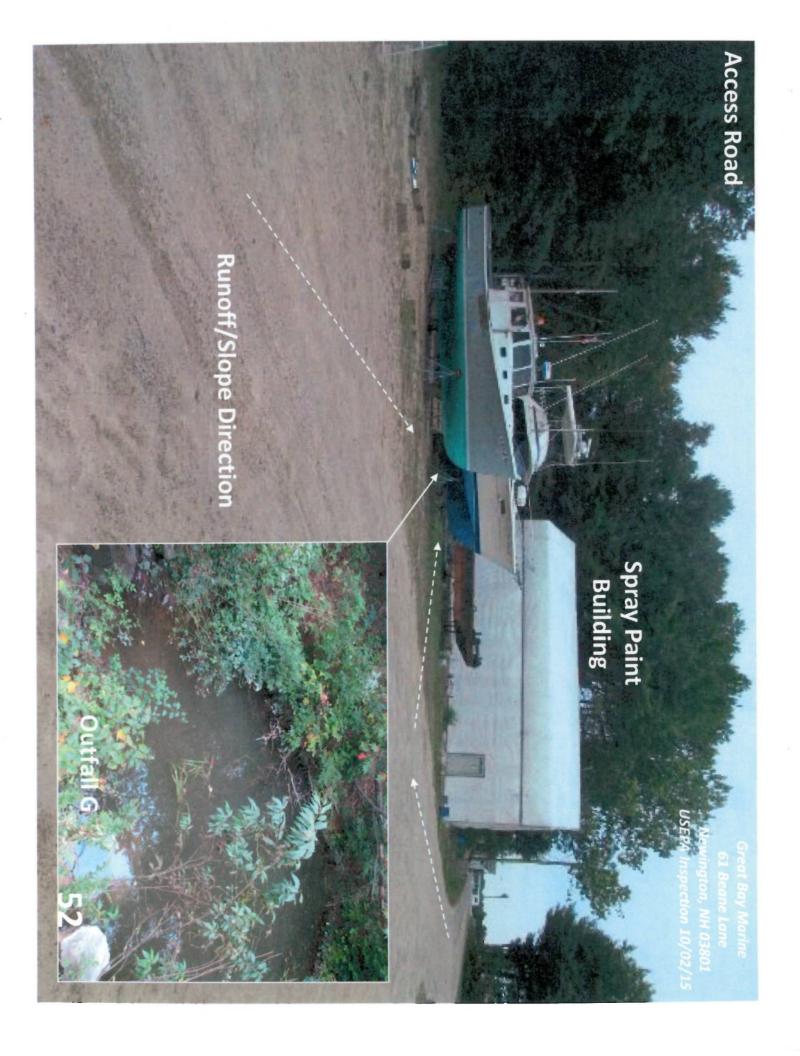
Great Bay Marine (61 Beane Lane Newington, NH 03801 USEPA Inspection 10/02/1 **Access Road Private Boat Owner Shed** [ransforme



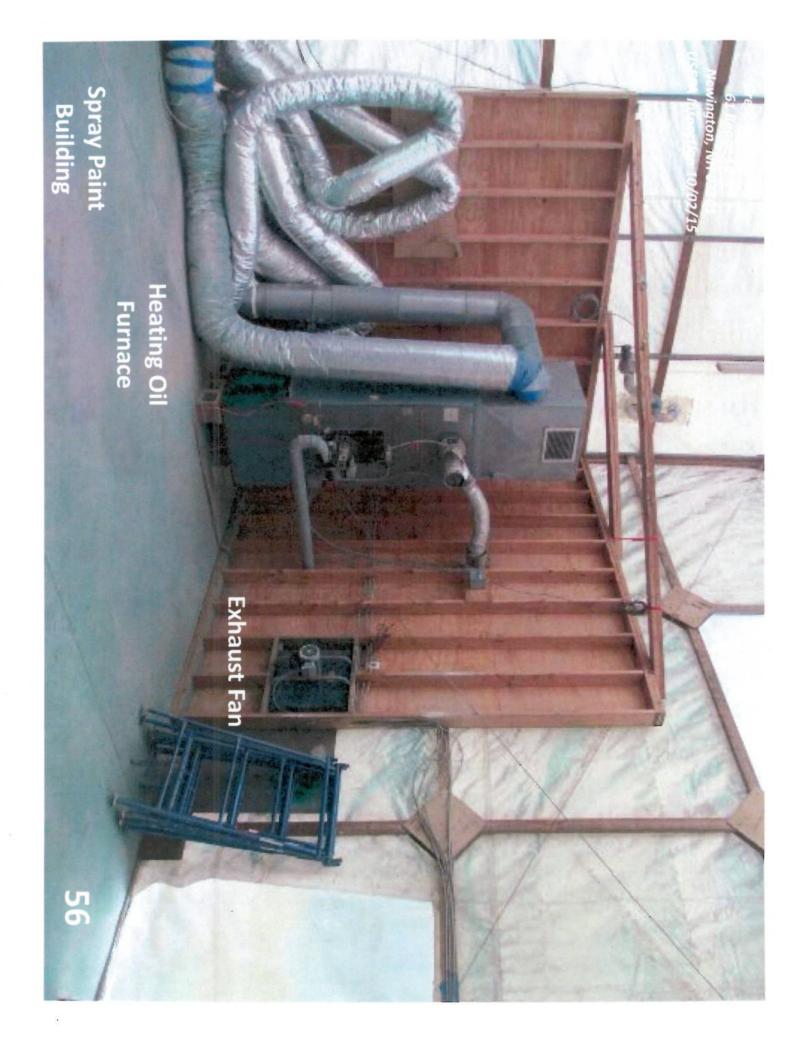
Access Road Spray Paint Building

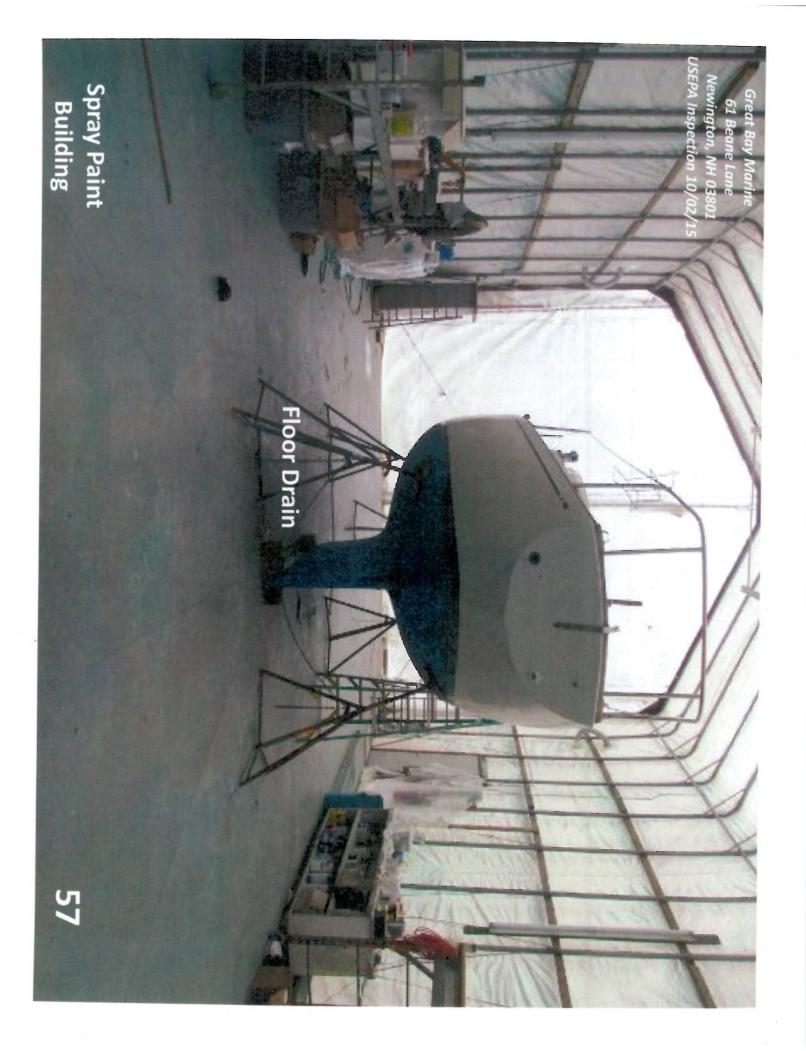
Runoff/Slope Direction

Great bay Marine
61 Beane Lane
Newington NH 03801
EPA Inspection 10/02/15



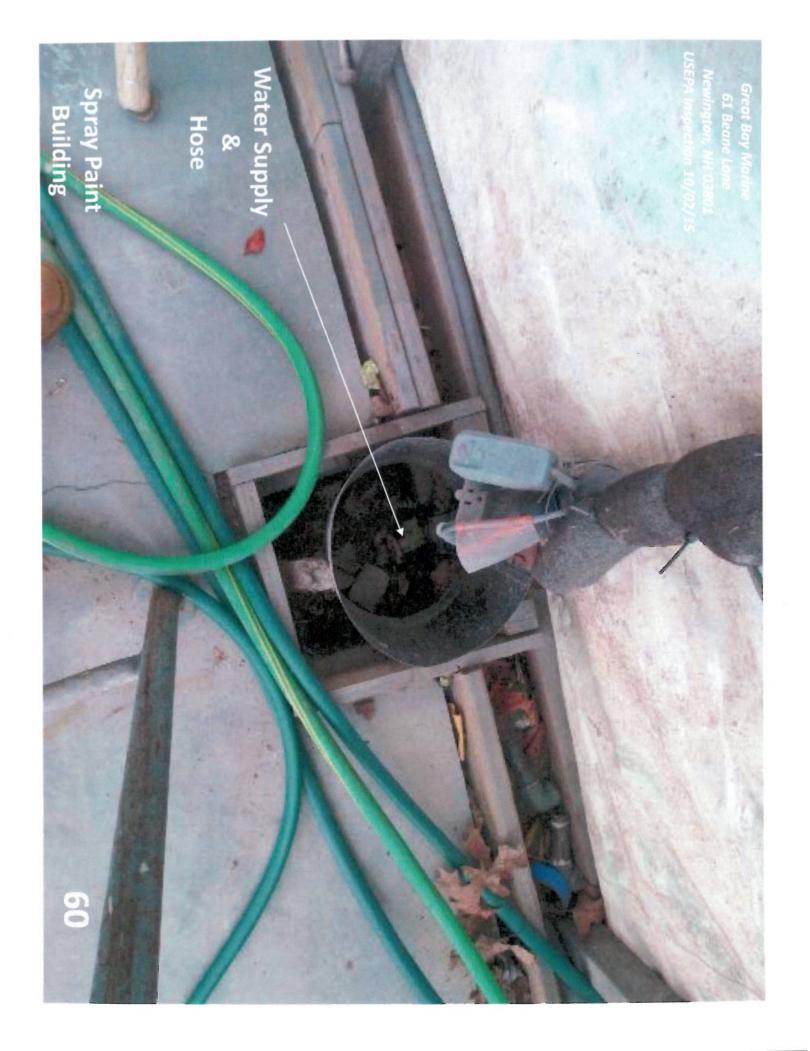
Access Road Storage Building in Boat Storage Area Pit **Drainage Crown Line in Road** unoff/Slope Direction Spray Paint Building VH 03801 tion 10/02/15 Access Road Drainage Crown Line in Road Storm Drain C Access Road **Drainage Crown Line in Road**

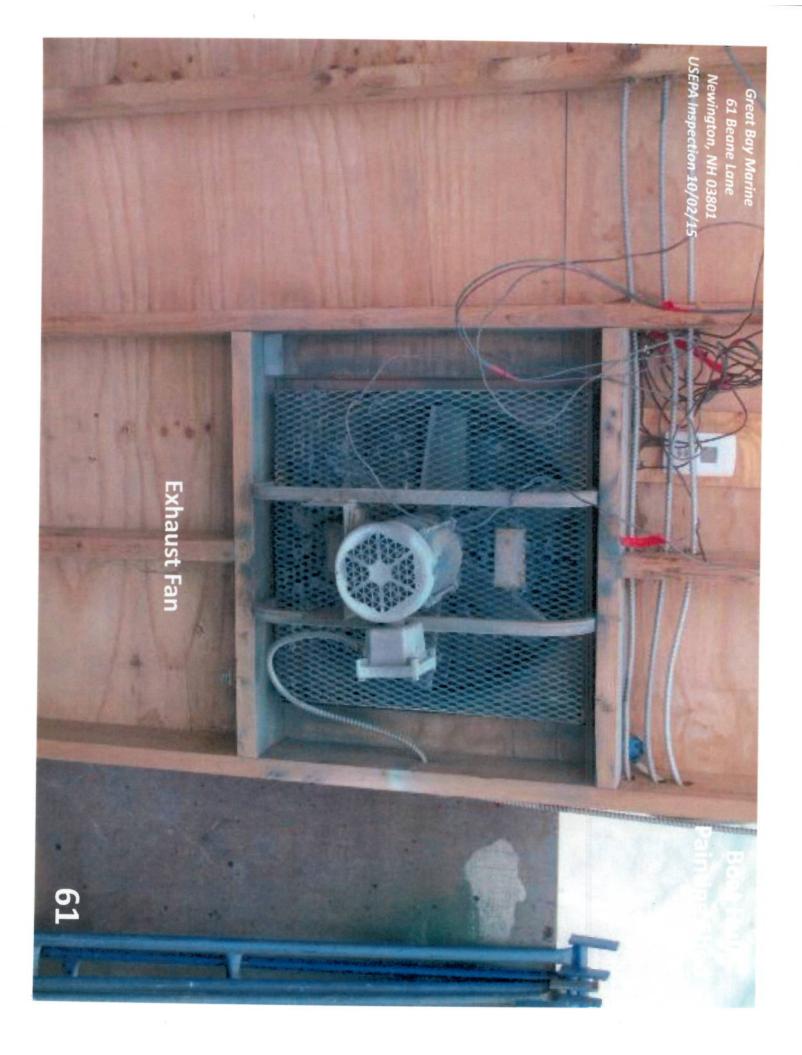






Great Bay Marine 61 Beane Lane Newington, NH 03801 USEPA Inspection 10/02/15

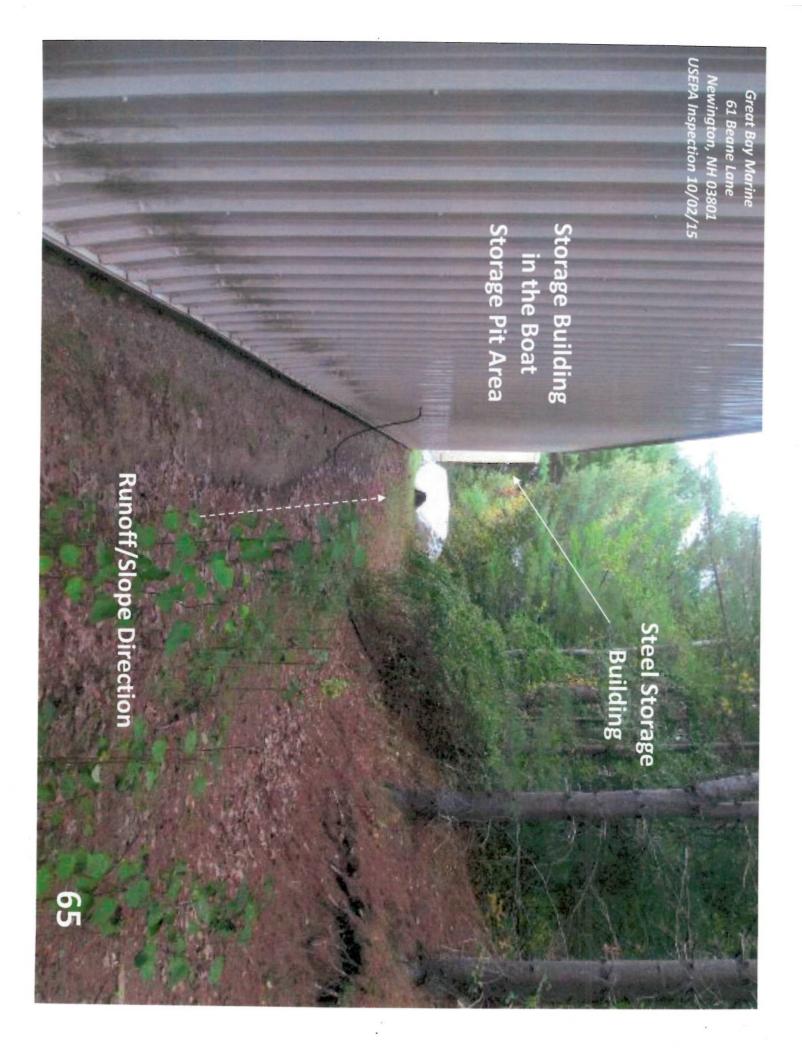


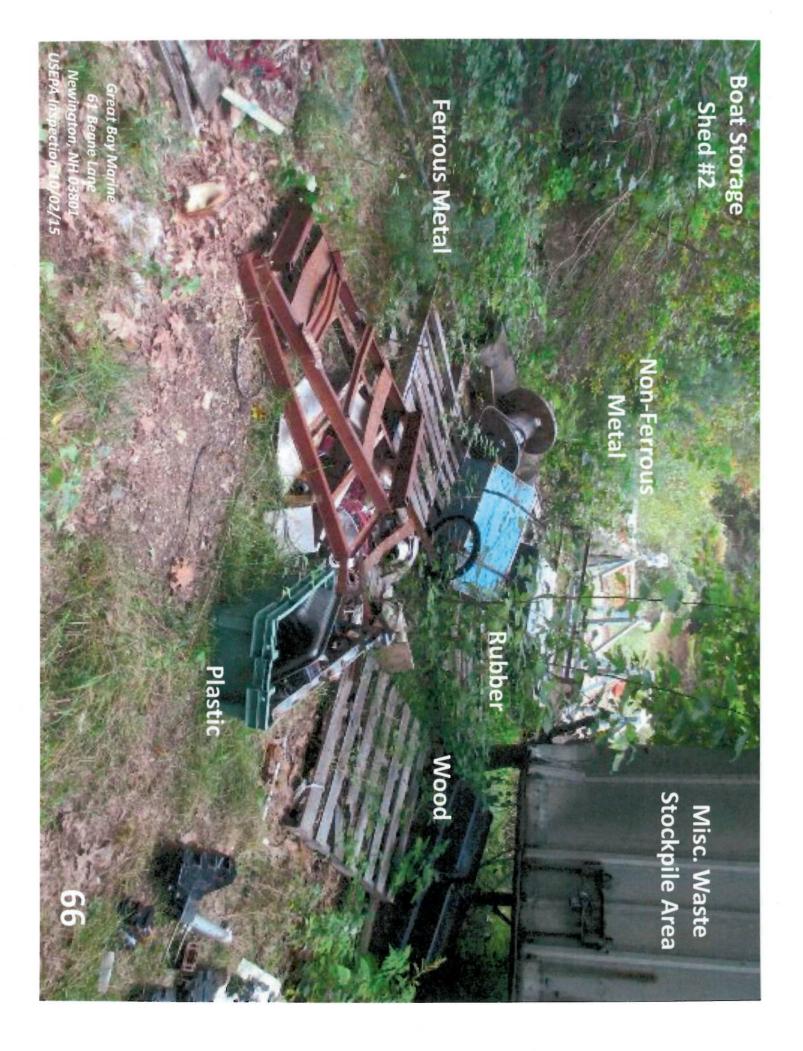




Runoff/Slope Direction Steel Storage Building 63

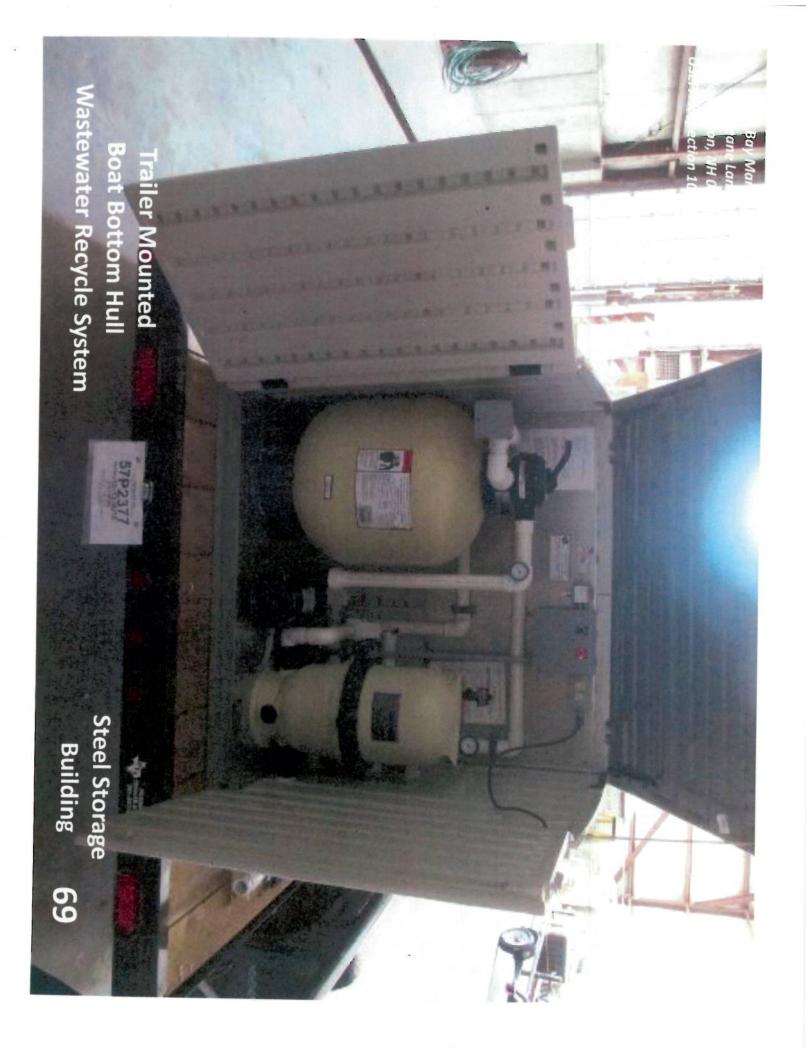
Spray Paint Building Heating Oil Tank Runoff/Slope Direction 275 Gallon **Toward Outfall DSN-04** 64

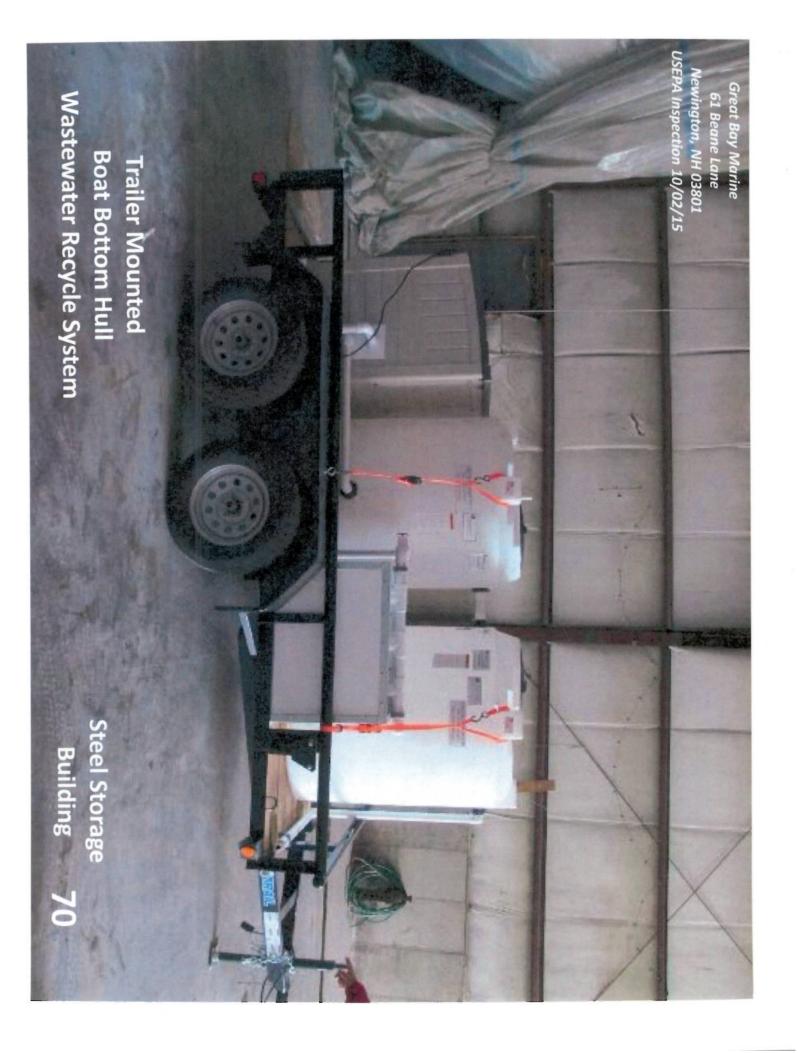






Steel Storage Newington, NH 03801 USEPA Inspection 10/02/15 Diesel Oil





Floor Drain Steel Storage
Building 71

Boat Storage Shed #1 Floor Drain Steel Storage
Building Boat Engine Winterizing Operation Glycol Spill 72

Runoff/Slope Direct

Entrance Road unoff/Slope Direction eat Bay Marine 61 Beane Lane wington, NH 03801 Inspection 10/02/15

Boat Storage Shed #3 Great Bay Marine
61 Beane Lane
Newington, NH 03801
USEPA Inspection 10/02/15
75



Stormwater Basin **Entrance Road**

scharge Pipe